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INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Report of Canada on articles 10 to 12

December 1982



Secretary
of State

Secrétariat
d'État

INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPORT OF CANADA

on the Implementation of the Provisions of
Articles 10 to 12 of the Covenant

December 1982

Department of the Secretary of State
Ottawa, Canada



F O R E W O R D

This report was submitted to the Secretary-General of the United Nations in March 1983. It is published so that it can be made available to interested groups and individuals.

Through this publication, it is hoped that Canadians will be encouraged to become familiar with the measures adopted in Canada to ensure the implementation of the International Covenant on Economic, Social and Cultural Rights. It is also hoped that it will enable readers to broaden their understanding of the obligations contracted by Canada through its accession to this important international treaty.

Copies of the report, in Canada's two official languages, can be obtained from the Human Rights Directorate of the Department of the Secretary of State in Ottawa, or at any regional or local office of the Department of the Secretary of State throughout Canada. Copies of a previous report on the same Covenant, dealing with articles 6 to 9, may also be obtained at the same locations. These reports are distributed free of charge.

April 1983

TABLE OF CONTENTS

PAGES

Part I: General introduction	1
Part II: Measures adopted by the Government of Canada	8
1. Introduction	8
2. Government of Canada	13
Article 10: Protection of the family, mothers and children	13
A. Protection of the family	13
B. Maternity protection	18
C. Protection of children and young persons	25
Article 11: Right to an adequate standard of living	33
A. General measures	33
B. Right to adequate food	38
C. Right to adequate clothing	49
D. Right to housing	49
Article 12: Right to physical and mental health	66
3. Implementation of articles 10-12 within the Canadian Forces	85
Part III: Measures adopted by the provinces	87
1. Alberta	87
Introduction	87
Article 10: Protection of the family, mothers and children	88
A. Protection of the family	88
B. Maternity protection	93
C. Protection of children and young persons	98
Article 11: Right to an adequate standard of living	101
A. General measures	101
B. Right to adequate food	101
C. Right to adequate clothing	109
D. Right to housing	110
Article 12: Right to physical and mental health	114

	<u>PAGES</u>
2. British Columbia	121
Article 10: Protection of the family, mothers and children	121
A. Protection of the family	121
B. Maternity protection	123
C. Protection of children and young persons	124
Article 11: Right to an adequate standard of living	130
B. Right to adequate food	130
C. Right to adequate clothing	136
D. Right to housing	136
Article 12: Right to physical and mental health	139
3. Prince Edward Island	143
Introduction	143
Article 10: Protection of the family, mothers and children	146
A. Protection of the family	146
B. Maternity protection	151
C. Protection of children and young persons	156
Article 11: Right to an adequate standard of living	163
A. General measures	163
B. Right to adequate food	165
C. Right to adequate clothing	184
D. Right to housing	184
Article 12: Right to physical and mental health	193
4. Manitoba	208
Article 10: Protection of the family, mothers and children	208
A. Protection of the family	208
B. Maternity protection	211
C. Protection of children and young persons	213
Article 11: Right to an adequate standard of living	218

	<u>PAGES</u>
A. General measures	218
B. Right to adequate food	220
C. Right to adequate clothing	225
D. Right to housing	226
Article 12: Right to physical and mental health	230
5. New Brunswick	237
Article 10: Protection of the family, mothers and children	237
A. Protection of the family	237
B. Maternity protection	246
C. Protection of children and young persons	252
Article 11: Right to an adequate standard of living	261
A. General measures	261
B. Right to adequate food	261
C. Right to adequate clothing	267
D. Right to housing	268
Article 12: Right to physical and mental health	273
Schedules	288
6. Nova Scotia	290
Introduction	290
Article 10: Protection of the family, mothers and children	293
A. Protection of the family	293
B. Maternity protection	296
C. Protection of children and young persons	300
Article 11: Right to an adequate standard of living	307
A. General measures	307
B. Right to adequate food	310
C. Right to adequate clothing	325
D. Right to housing	325
Article 12: Right to physical and mental health	334
7. Ontario	350
Article 10: Protection of the family, mothers and children	350

	<u>PAGES</u>
A. Protection of the family	350
B. Maternity protection	352
C. Protection of children and young persons	355
Article 11: Right to an adequate standard of living	362
A. General measures	362
B. Right to adequate food	363
C. Right to adequate clothing	371
D. Right to housing	371
Article 12: Right to physical and mental health	378
8. Québec	393
Article 10: Protection of the family, mothers and children	393
A. Protection of the family	393
B. Maternity protection	403
C. Protection of children and young persons	407
Article 11: Right to an adequate standard of living	410
A. General measures	410
B. Right to adequate food	410
C. Right to adequate clothing	421
D. Right to housing	423
Article 12: Right to physical and mental health	426
9. Saskatchewan	435
Article 10: Protection of the family, mothers and children	435
A. Protection of the family	435
B. Maternity protection	439
C. Protection of children and young persons	440
Article 11: Right to an adequate standard of living	442
A. General measures	442
B. Right to adequate food	444
C. Right to adequate clothing	451
D. Right to housing	451
Article 12: Right to physical and mental health	460

	<u>PAGES</u>
10. Newfoundland	477
Introduction	477
Article 10: Protection of the family, mothers and children	477
A. Protection of the family	477
B. Maternity protection	478
C. Protection of children and young persons	479
Article 11: Right to an adequate standard of living	480
Article 12: Right to physical and mental health	488
Appendices: Statistics and other data	493
International Covenant on Economic, Social and Cultural Rights	517
General Guidelines for Reports on Articles 10-12 of the International Covenant on Economic, Social and Cultural Rights	525

PART I: GENERAL INTRODUCTION

A. Contents of the report

This report deals with the implementation of Articles 10 to 12 of the International Covenant on Economic, Social and Cultural Rights, pursuant to the provisions of Articles 16 and 17 of the Covenant and in accordance with the program adopted by the United Nations Economic and Social Council. The general guidelines adopted by the Council and submitted by the Secretary-General in May 1979 served as a basis for its preparation. The headings of those guidelines generally serve as headings for the various sections.

The report contains three main parts. First there is the General Introduction, which contains notes on the contents of the report, a brief background summary, comments on the Canadian constitutional system, and notes on other reports submitted to the United Nations Organization.

The second part deals with the implementation of articles 10 to 12 of the Covenant in areas of federal jurisdiction.

The third part deals with the implementation of the Covenant in the provinces, with one chapter for each province. The agreement concluded between the Government of Canada and the provincial governments in 1975 provided that a province wishing to do so could prepare its own reports on implementation of the Covenants in the areas under its jurisdiction. In the case of this report seven provinces took advantage of this prerogative, while the reports concerning the other three provinces were prepared by the Government of Canada in close consultation with these provinces and on the basis of the information supplied by them. A note at the foot of the first page of each chapter indicates the source of the report.

The general guidelines provided by the Secretary-General require statistics on various items. Canada has a centralized statistics bureau, known as Statistics Canada, whose responsibility it is to collect, analyse and publish statistical information relating to the commercial, industrial, financial, social, economic and general activities and conditions of the Canadian population. It is charged with promoting and developing a system of integrated social and economic statistics pertaining to the whole of Canada and each of its provinces. The original legislation to create a centralized statistics bureau was passed in 1918, and the current mandate is defined by the Statistics Act of 1971. Some statistics are provided where appropriate and an appendix contains tables of the principal statistics required.

The general guidelines provided by the Secretary-General indicate that "it will be appreciated if copies of the principal laws, regulations, collective agreements and court decisions mentioned

in the reports are attached". The principal texts of law and other documents discussed in this report are therefore being transmitted to the Secretary-General as reference material, under separate cover.

B. Background

The International Covenant on Economic, Social and Cultural Rights was adopted unanimously by the United Nations General Assembly on December 16, 1966, at the same time as the International Covenant on Civil and Political Rights and the Optional Protocol to the latter Covenant.

On May 19, 1976 Canada acceded to the two Covenants and the Optional Protocol, which, according to their terms, came into force for Canada three months later, on August 19, 1976. The two Covenants and the Protocol had come into force at the international level a few months earlier.

Before depositing Canada's instruments of accession the Government of Canada obtained the agreement of all the provinces in the Canadian confederation, which undertook to adopt the measures necessary for the implementation of the Covenants in the areas under their jurisdiction.

At a Federal-Provincial Conference on Human Rights held in December 1975 the federal and provincial governments reached an agreement on procedures and mechanisms for implementing these instruments and set up a Continuing Federal-Provincial Committee of Officials Responsible for Human Rights. The Committee meets twice a year and studies particular questions concerning the implementation of the two Covenants. This body has proved to be an effective instrument of liaison and exchange between the federal and provincial governments in the implementation of the Covenants.

Within the federal government an Interdepartmental Committee on Human Rights, established in 1975, regularly examines questions related to the implementation of the Covenants. In several provinces, official bodies perform functions of this nature.

C. The Canadian constitutional system

Canada is a federal state comprising ten provinces, Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Québec and Saskatchewan as well as two territories, the Northwest Territories and the Yukon Territory.

Within the Canadian Confederation, the legislative powers are exercised by the federal and provincial governments according to the distribution of powers set out in the Constitution Act, 1867 (formerly known as the British North America Act, 1867) and the

amendments thereto. Furthermore, pursuant to a delegation of powers to the territories by the Parliament of Canada, the two territorial governments also exercise legislative powers.

Family law is primarily a provincial responsibility by virtue of the jurisdiction of the provinces over "property and civil rights" and "The solemnization of marriage in the province" (sections 92(13) and 92(12) of the Constitution Act, 1867). The Government of Canada also has responsibilities in this area by virtue of sections 91(26) "Marriage and divorce" and 91(27) "Criminal Law..." of the Constitution Act, 1867.

In general, social security and health are regarded as being within the jurisdiction of the provinces, in view of their express and exclusive jurisdiction over "hospitals, asylums, charities and eleemosynary institutions in and for the provinces" (section 92(7) of the Constitution Act, 1867), "property and civil rights in the province" (section 92(13) of the Act), "municipal institutions in the province" (section 92(8) of the Act), and "generally all matters of a merely local or private nature in the province" (section 92(16) of the Act). However, the federal Parliament also possesses some jurisdiction in this area. The Constitution Act, 1867 confers on it exclusive powers over "unemployment insurance" (s 91(2A)). It also empowers it to "make laws in relation to old age pensions and supplementary benefits irrespective of age", provided that "no such law shall affect the operation of any law present or future of a provincial legislature in relation to any such matter" (section 94(A)).

The Government of Canada has additional responsibilities in this area, by virtue of the following provisions of the Constitution Act, 1867: quarantine and the establishment and maintenance of marine hospitals (section 91(11)); militia, military and naval service, and defense (section 91(7) which entitles it to provide health services to the Canadian forces and to war veterans); the establishment, maintenance, and management of penitentiaries (section 91(28) which entitles it to provide health and other services to inmates in federal penitentiaries); Indians, and lands reserved for the Indians (section 91(24) which entitles it to provide health and other services to Indians); immigration (section 95); criminal law (section 91(27) and "peace, order and good government" (the introductory clause of section 91) which entitle it to protect the health of Canadians by regulating foods and drugs, narcotics, pharmaceutical products and patent medicines); medical statistics (section 91(6)); and the power to spend money (section 91(1A) which allows it to finance programs in areas where it does not have direct jurisdiction).

Under Canadian constitutional law, as interpreted by the courts, the provinces, as a rule, have the power to legislate in respect to employment (Constitution Act, 1867), section 92(13) (Property and Civil Rights)). For its part, Parliament also has jurisdiction in this area. However, its powers are limited to

matters which come under section 91 of the Constitution Act, 1867, such as the federal public service, banks, undertakings linking one province to another or extending beyond the boundaries of a province, interprovincial transportation or communication undertakings, works declared to be for the general advantage of Canada or of two or more provinces and undertakings over which neither the Government of Canada nor the provinces have been given jurisdiction under their enumerated powers.

Section 95 of the Constitution Act, 1867 provides that the provinces and the federal Parliament have concurrent power in the area of agriculture with paramountcy of the federal powers.

The Government of Canada has exclusive legislative jurisdiction over Canada's coastal and inland fisheries (Constitution Act, 1867, section 91(12)) but some provinces have been delegated administrative responsibilities in varying degrees. Thus, the Government of Canada is fully responsible for the management of all fisheries, both marine and freshwater, in four east coast provinces, Nova Scotia, New Brunswick, Newfoundland and Prince Edward Island, and in the Northwest and Yukon Territories. In four inland provinces, Ontario, Manitoba, Saskatchewan and Alberta, the management of all fisheries is a provincial responsibility. In Québec, the provincial government administers all fisheries in both its tidal and non-tidal waters. In British Columbia, the fisheries for marine and anadromous (i.e., fish that migrate from freshwater to sea) species are managed by the Government of Canada, but the provincial government manages freshwater fisheries.

Under Canadian Constitutional Law, the legislative powers that can be used to protect the environment are to be found in the heads of power given to each level of government pursuant to the Constitution Act, 1867. Therefore the responsibility to legislate in respect of the protection of the environment is shared by the federal and provincial governments.

Finally, the Government of Canada can use its spending power (section 91(1A)) to finance various programs, for example to promote international cooperation, to reduce regional disparities, to promote access to housing, etc.

In Canada, international treaties are not automatically part of the law of the land. The provisions of a treaty can be incorporated into domestic law either by the enactment of a statute giving the treaty the force of law or by amendment of the domestic law to make it consistent with the treaty, where necessary. The implementation of a treaty whose provisions come under the jurisdiction of one or the other or both levels of government requires the intervention of the Canadian Parliament, the provincial legislatures and, unless Parliament decides otherwise, of the territorial legislative assemblies for those parts of the treaty that fall within the jurisdiction of each.

Although all governments in Canada have undertaken to give effect to the provisions of the Covenant, no government has as yet decided to incorporate into its legislation as such the provisions of the Covenant that fall within its jurisdiction. In order to meet its obligations, however, each government has committed itself to amend its domestic law to make it consistent with the Covenant, if after study this proves to be necessary. It should be noted, however, that most of the rights recognized in articles 10 to 12 of the Covenant are already protected in Canada. Even before the Covenant came into force in Canada, both levels of government had, each within the ambit of its jurisdiction, singly or in cooperation with each other, taken steps to implement the provisions of these articles and to protect these rights.

On April 17, 1982, a charter of rights and freedoms, the Canadian Charter of Rights and Freedoms, was entrenched in the Constitution of Canada, by virtue of the enactment by the Parliament of the United Kingdom, at the request of Canada, of the Canada Act, 1982, which came into force that day. The Canada Act, 1982 includes the Constitution Act, 1982, which contains the Canadian Charter of Rights and Freedoms, a recognition of the Rights of the Aboriginal Peoples of Canada, and the following commitments of Parliament and the legislatures, together with the Government of Canada and the provincial governments:

- (a) promoting equal opportunities for the well-being of Canadians;
- (b) furthering economic development to reduce disparity in opportunities; and
- (c) providing essential public services of reasonable quality to all Canadians.

The Constitution Act, 1982 also sets out the principle of equalization payments, provides for a constitutional conference, sets out a procedure for amending the constitution of Canada, and amends the Constitution Act, 1867 with regard to non-renewable natural resources, forestry resources and electrical energy. The name of the British North America Act, 1867 was changed to the Constitution Act, 1867. The Constitution of Canada includes the Canada Act, 1982 and all the constitutional acts and orders adopted since 1867 including the Constitution Act, 1867.

The Canadian Charter of Rights and Freedoms provides protection of the following:

- fundamental freedoms;
- democratic rights;
- mobility rights;
- legal rights;
- equality rights for all individuals;
- official languages of Canada;
- minority language education rights;

- Canada's multicultural heritage; and
- native peoples' rights.

The provisions of the Charter which are discussed in the following paragraphs contribute to the implementation of the rights set forth in Articles 10 to 12 of the Covenant.

Subsection 15(1) provides that "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability".

Subsection 15(2) permits the adoption of special programs in favour of disadvantaged individuals and groups by stating that "Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability".

By virtue of section 32, section 15 will come into force three years after the entry into force of the Charter, that is three years after the 17th of April 1982. The reason for the delay is to give the federal, provincial and territorial governments time to review and change any laws that may not conform to the safeguards provided by that section.

In the meantime, however, Canadians are not left without protection of their rights as the provisions of the existing federal and provincial human rights legislation remained in force after the entry into force of the Charter.

Section 28 guarantees the equality of men and women under the law by stating that the rights and freedoms referred to in the Charter are guaranteed equally to male and female persons.

Section 25 states that the guarantee of the rights and freedoms contained in the Charter shall not be construed as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada.

With regard to the rights of the aboriginal peoples of Canada, section 35 of the Constitution Act, 1982 further provides that their existing aboriginal and treaty rights are recognized and affirmed. The Act defines "aboriginal peoples of Canada" as including the Indian, Inuit and Métis peoples of Canada.

Section 6 of the Canadian Charter of Rights and Freedoms states that every citizen of Canada and every person who has the status of a permanent resident in Canada has the right to move and take up residence in any province, and to pursue the gaining of a

livelihood in any province. These rights are subject to any laws or practices of general application in force in a province other than those that discriminate on the basis of province of present or previous residence, and to any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services. These provisions, however, do not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.

By virtue of section 32, the Canadian Charter of Rights and Freedoms applies to all matters within the authority of the federal, provincial and territorial governments, respectively. However, under section 33, Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 (fundamental freedoms) or sections 7 to 15 (legal and equality rights) of the Charter. Such a declaration would cease to have effect five years after it came into force but could be re-enacted thereafter.

Finally, the Charter provides that the guarantees of the rights and freedoms set out in it are subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society (section 1).

D. Reports submitted under other instruments of the United Nations Organization

Article 17 of the Covenant in paragraph 3 provides as follows:

"Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice."

Canada has regularly submitted reports to the United Nations Organization under the terms of various treaties and in answer to other requests of the Organization.

a) International Covenant on Economic, Social and Cultural Rights

Canada's report on articles 6 to 9 of that Covenant was submitted to the Secretary-General of the United Nations Organization in April 1981.

b) International Covenant on Civil and Political Rights

In April 1979, Canada submitted the report required under the terms of Article 40 of that Covenant.

c) International Convention on the Elimination of All Forms of Racial Discrimination

Canada ratified the International Convention on the Elimination of All Forms of Racial Discrimination on October 14, 1970. In compliance with Article 9 Canada has submitted its first report one year after the entry into force of the Convention for Canada and five biennial reports thereafter.

These reports have described the anti-discrimination legislation adopted by the federal and provincial governments, the agencies set up to administer it, and numerous programs adopted in favour of disadvantaged racial or ethnic minorities.

PART II: MEASURES ADOPTED BY THE GOVERNMENT OF CANADA

1. INTRODUCTION

(i) Comments on Articles 1-5

The general guidelines submitted by the Secretary-General for the preparation of the report request States Parties, in reporting on the rights covered by Articles 10-12, to give attention to the matters dealt with in Parts I and II - Articles 1 to 5 of the Covenant. This will be done as pertinent in the detailed examination of the measures which give effect to the provisions of Articles 10-12. In this introduction, however, some remarks will be made on general measures which may apply to a certain extent to all articles.

- (1) The right of peoples to self-determination, as recognized in Article 1 of the Covenant;

The Government of Canada subscribes to the principles set forth in this article.

- (2) Measures taken to guarantee the exercise of the rights covered by Articles 10-12 without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; (Article 2 (2)).

In 1960, Parliament adopted the Canadian Bill of Rights (An Act for the Recognition and Protection of Human Rights and Fundamental Freedoms, passed and assented to 10th August, 1960) which applies to matters coming within the jurisdiction of the Government of Canada. Article 1 of the Bill of Rights provides the following:

"It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely

- (a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection of the law;
- (c) freedom of religion;
- (d) freedom of speech;
- (e) freedom of assembly and association; and
- (f) freedom of the press."

The Canadian Human Rights Act, adopted in 1977, gives further legal recognition to some of these rights by prohibiting discrimination at the federal level.

In the words of the Act:

"...every individual should have an equal opportunity with other individuals to make for himself or herself the life that he or she is able and wishes to have, consistent with his or her duties and obligations as a member of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex or marital status, or conviction for an offense for which a pardon has been granted or by discriminatory employment practices based on physical handicap;..." (paragraph 2.(a)).

Under the terms of the Canadian Human Rights Act a Canadian Human Rights Commission was established consisting of a Chief Commissioner, a Deputy Chief Commissioner and six other members appointed by the Governor in Council (subsection 21(1)). The Commission is empowered to enforce the Act and to exert wide functions for the promotion of its principles (sections 22 and 23).

The Canadian Human Rights Act provides for protection and remedies through the Canadian Human Rights Commission against acts of discrimination.

Any individual or group of individuals having reasonable grounds for believing that a person is engaging or has engaged in a discriminatory practice, may file a complaint with the Commission (subsection 32(1)).

Where the Commission has reasonable grounds for believing that a person is engaging or has engaged in a discriminatory practice, the Commission may initiate a complaint (subsection 32(3)).

The Commission may designate a person to investigate a complaint (subsection 35(1)).

Section 37 provides that the Commission may appoint a "conciliator" for the purpose of attempting to bring about a settlement of the complaint (subsection 39(1)).

The Commission may, at any stage after the filing of a complaint, appoint a Human Rights Tribunal to inquire into the complaint.

If a Tribunal is composed of fewer than three members, an appeal may be made against its decision to a Review Tribunal constituted by the Commission (subsection 42.1(1)).

Section 43 of the Act provides that any order of a Tribunal or of a Review Tribunal may, for the purpose of enforcement, be made an order of the Federal Court of Canada and is enforceable in the same manner as an order of that Court.

Every person is guilty of an offence who fails to comply with the terms of a settlement, who obstructs an investigator or a Tribunal, who reduces wages in order to eliminate a discriminatory practice, or who threatens, intimidates or discriminates against an individual because that individual has made a complaint or given evidence or assisted in any way in respect of the initiation or prosecution of a complaint or other proceeding under the Act (subsections 11(5), 35(3) and 46(1) and section 45). The penalty, if the accused is an employer, an employer association or an employee organization is a fine not exceeding fifty thousand dollars; in any other case a fine not exceeding five thousand dollars (subsection 46(2)).

- (3) To what extent non-nationals are guaranteed the rights dealt with in Articles 10-12;

The rights dealt with in Articles 10-12 are generally guaranteed to all permanent residents. With respect to social security, special guarantees are accorded to various categories of temporary residents, in particular visiting professors, scholars, students and people with a work permit.

- (4) Measures taken under Article 3 of the Covenant to ensure the equal rights of men and women to the enjoyment of the rights set forth in Articles 10-12;

The legislation previously referred to, together with a number of other measures, have contributed to considerable progress as regards ensuring the equal rights of men and women to the enjoyment of the rights set forth in Articles 10-12.

In 1967, the Government of Canada established the Royal Commission on the Status of Women in Canada. The report of the Commission, published in 1970, has led the government to adopt a number of measures designed to eliminate discrimination against women and to promote greater equality between men and women. Among the first measures adopted were the appointment of a Minister Responsible for the Status of Women and the establishment of the Office of the Coordinator, Status of Women, both in 1971.

The role of the Minister Responsible for the Status of Women is to ensure that the development of legislation, policies and programs of the government take into account their impact on women and to advise the government on matters concerning women.

The Coordinator, Status of Women reports to the Minister Responsible for the Status of Women. The Coordinator has the mandate to advise the Minister, to ensure that all programs and policies of the Government of Canada take into account the concerns of women, and to coordinate new initiatives to improve the status of women.

In 1973, the Government of Canada established the Canadian Advisory Council on the Status of Women. The purpose of the Council is to bring before the government and the public, matters of interest and concern to women; and to advise the government on actions that it deems necessary to improve the position of women in society. During recent years the Council published reports and recommendations on a wide variety of issues of interest and concern to women.

In the context of the International Women's Year (1975) Parliament adopted the Statute Law (Status of Women) Amendment Act, 1974, which amended ten acts to provide equality for women. Areas covered ranged from elections, immigration, and public service employment through to pensions, unemployment insurance and national defence.

At the World Conference held in Mexico City during International Women's Year (1975), it was agreed that countries would develop a National Plan of Action. In December 1978 Cabinet approved a document on the National Plan of Action on the Status of Women. In a series of recommendations aimed at all federal departments, the document establishes a timetable through 1985 which is designed to mobilize government action on status of women issues. The recommendations were developed through the work of 12 interdepartmental working groups on various topics which studied a variety of documents and recommendations proposed over

the years by women, women's groups and government agencies. The document focuses on four areas of government responsibility: legislation, policy change, program changes and research. A copy of the document, entitled "Towards Equality for Women", has been sent to the Secretary-General with Canada's Report on Articles 6-9 of the International Covenant on Economic, Social and Cultural Rights.

At the World Conference of the United Nations Decade for Women (Copenhagen 1980) Canada signed the Convention on the Elimination of All Forms of Discrimination Against Women. Canada ratified this Convention on December 10, 1981.

- (5) Limitations which may have been imposed upon the exercise of the rights set forth in Articles 10-12, the reasons therefor, and safeguards against abuses in this regard, with copies of the relevant laws, regulations and court decisions (Articles 4 and 5).

In general there are very few limitations to the rights set forth in Articles 10-12. Where such limitations exist they appear to be justified by the terms of the Covenant, and safeguards such as internal appeal procedures and recourses to independent boards or tribunals are in place. These are described in the report where appropriate.

(ii) Situation with regard to Native people

It should be noted that consequent to the assignment of responsibility for Indians to the Government of Canada alone, under the terms of section 91(24) of the Constitution Act, 1867, measures have to be taken by the federal government which would normally be taken by the provinces for the other Canadian citizens and residents.

The principal legislation passed by the federal Parliament dealing with Indians and with lands reserved for Indians is the Indian Act.

There are various federal government programs to assist Indians and Inuit which are based both in law and on policy administered mainly by a specific department (Indian Affairs and Northern Development whose mandate includes administration of the Indian Act), and also by other federal departments in their relevant field of jurisdiction. These departments implement a large number of important programs for the benefit of Native people of Canada. While it is not the purpose of this report to account for all of these programs, those relevant to Articles 10 to 12 will be mentioned.

Furthermore, the Constitution Act, 1982 recognizes and affirms the existing aboriginal and treaty rights of the Indian, Inuit and Métis peoples of Canada (Part II, section 35).

2. GOVERNMENT OF CANADA

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

- (1) Principal laws, administrative regulations and collective agreements designed to promote protection of the family, and relevant court decisions, if any;

As mentioned in the introduction, family matters are generally within the competence of the provincial governments. The main interventions of the Government of Canada with regard to the family are made by virtue of the Family Allowances Act, 1973, S.C. 1973-74, c. 44, the Income Tax Act, S.C. 1970-71-72, c. 63 and the Canada Assistance Plan, R.S.C., 1970, c. C-1.

The pertinent provisions of the Family Allowances Act and the Income Tax Act will be discussed under heading (4) below.

The Canada Assistance Plan is the legal authority through which the federal government shares with the provinces the cost of providing social assistance and welfare services to individuals in need or likely to become in need. Annual outlay of federal expenditures to meet such shared costs is now approximately three billion dollars. The delivery of these services is under provincial jurisdiction and they include financial assistance, residential care and protective, ameliorative and preventive services for families and children. The provincial legislation under which these services are provided on a cost-shared basis with the federal government include laws dealing with : social assistance or welfare assistance, family benefits, homemaker services, homes for special care, child welfare and children services, and day care services.

Other provisions related to the family can be found in various pieces of legislation, for example, in the Canadian Bill of Rights, R.S.C. 1970, Appendix III, the Canadian Human Rights Act, S.C. 1976-77, c. 33, the Criminal Code, R.S.C. 1970, c. C-34, the Divorce Act, R.S.C. 1970, c. D-8, and the Marriage Act, R.S.C. 1970, c. M-5.

The preamble to the Canadian Bill of Rights states that "the Canadian Nation is founded upon principles that acknowledge ... the position of the family in a society of free men and institutions".

The Canadian Human Rights Act prohibits, in areas of federal jurisdiction, discrimination on the basis of marital status, among other things, with regard to employment, the provision of goods, services, facilities, accommodation customarily available

to the general public or the provision of commercial premises or residential accommodation.

- (2) Guarantees of the right of men and women to enter into marriage with their full and free consent and to establish a family; measures taken to abolish such customs, ancient laws and practices which may affect the freedom of choice of a spouse;

Under the Constitution Act, 1867, marriage and divorce are under the jurisdiction of the Parliament of Canada (section 91(26)) while the solemnization of marriage in the provinces is under the jurisdiction of provincial legislatures (section 92(12)). However, all the provincial laws pertaining to "marriage and divorce" or the "solemnization of marriage" in force in Canada at the time of Confederation have continued to be in force until abolished, repealed or altered by the federal Parliament or the provincial legislatures (section 129). Since the adoption of the Act, however, with few exceptions, only the provinces have exercised their legislative power over the solemnization of marriage. The Government of Canada, on its part, has adopted the Marriage Act which provides, in Sections 2 and 3, that:

"A marriage is not invalid merely because the woman is a sister of a deceased wife of the man, or a daughter of a sister or brother of a deceased wife of the man."

"A marriage is not invalid merely because the man is a brother of a deceased husband of the woman, or a son of a brother or sister of a deceased husband of the woman."

These legislative provisions were enacted because the laws of some provinces prohibited such marriages.

The Parliament of Canada has also enacted local or private bills authorizing the celebration of marriage in other cases not provided for by provincial legislation.

The laws of the provinces require full and free consent to marriage. The Criminal Code reinforces this principle by making an indictable offence punishable by imprisonment for ten years the fact of taking away or detaining a female person, against her will, with intent to marry her or cause her to marry a male person (section 248).

The Criminal Code also prohibits bigamy (sections 254-255) and polygamy (section 257).

Parliament has enacted the Divorce Act, which provides that either spouse may present to the court a petition for divorce based on grounds specified in the Act (sections 3 and 4).

While granting a divorce, the court may order one of the spouses to provide for the maintenance of the other spouse and/or the children of the marriage (sections 10 to 12).

The Divorce Counselling and Family Affairs Unit of the Social Services Programs Branch of the Department of National Health and Welfare has responsibility for ensuring the effectiveness of the reconciliation services of the Divorce Act and the provisions of the Act dealing with children. This involves promoting the availability and utilization of counselling services for parents involved in divorce proceedings.

- (3) Measures to facilitate the establishment of a family such as subsidies or installation grants, provision of housing and other benefits;

The Government of Canada has set up a program which provides tax relief for individuals who set aside an amount of money in a special plan known as the Registered Home Ownership Savings Plan for the purpose of buying a house. An annual deduction from income for tax purposes of up to \$1,000 (with an overall maximum of \$10,000) is permitted for contributions made to a taxpayer's plan.

- (4) Measures aimed at maintaining, strengthening and protecting the family, such as family allowances, tax-exemption facilities, child-care institutions, etc.

Various programs aim at helping the family economically. The main programs are the Family Allowances Program, the Child Tax Credit Program, various deductions provided for income tax purposes, assistance to child care institutions, and leaves of absence for family needs for public servants.

(a) The Family Allowances Program

As enacted in 1973, the Family Allowances Act is designed to supplement the income of Canadian families. Under the terms of the Act, monthly allowances (\$23.96 per child in 1981) are paid in respect of children under 18, resident in Canada, who are maintained by a parent or guardian. Payment is usually made to the mother. The allowances are increased in January of each year if there has been an increase in the cost of living as measured by the Consumer Price Index.

To be eligible for the allowances, at least one parent must be a Canadian citizen or admitted to Canada as a permanent resident under the Immigration Act. A parent admitted to Canada as a visitor or under the authority of a Minister's Permit (issued by the Minister of Employment and Immigration) may also be eligible if admission is granted for a period of not less than one year

and that person's income is subject to Canadian income tax while in Canada. Family allowances are taxable income of the parent who claims an income tax exemption for the child.

A provincial government may request the Government of Canada to vary the rates payable in that province on the basis of the age of the child or the number of children in the family, or both, provided the smallest monthly payment in that province is at least 60% of the federal rate and the average monthly amount paid for all children in that province is equal to the monthly federal rate. Two provinces, Alberta and Québec, have taken this option.

In 1981, benefits were paid to 3.6 million families on behalf of 6.8 million children. Total net payments for 1980-81 were approximately 2 billion dollars.

(b) The Child Tax Credit Program

The Child Tax Credit Program is a recent development in Canadian social policy.

In 1978, the Income Tax Act was amended to make provision for a child tax credit program (section 122.2). For the 1980 taxation year, the program provided a credit of \$238 per child to Canadian families with a combined net income in 1980 of less than \$21,380 (both the credit and the family income turnaround point are subject to indexing in subsequent years to reflect increases in the Consumer Price Index). The credit is claimed by the parent who receives the Family Allowances benefit, usually the mother.

For families with combined incomes over \$21,380, child tax credits are payable on a gradually reduced basis: the amount payable is reduced by \$5 for every \$100 by which family income exceeds \$21,380.

In this way, the Child Tax Credit Program is designed to provide financial assistance to low and middle-income families so that they may meet the rising costs of caring for their children.

It is estimated that, with respect to the 1980 taxation year, 2.5 million families, or two thirds of Canadian families with children under 18, received all or part of the child tax credit.

(c) Tax Exemptions

Taxpayers are able to claim certain deductions from their net income in regard to dependants in their family.

(i) Married Exemption

All persons living in Canada throughout 1980 were able to claim an exemption of \$2,890, the basic personal exemption. Those who

were legally married were allowed to claim an additional exemption up to a maximum of \$2,530 for their spouse. This exemption is reduced by the amount of the spouse's net income over \$460. The married exemption does not apply to common-law relationships (section 109(1)(a)).

(ii) Dependant Exemptions

Parents may claim an exemption for each dependent child. In 1980, for a child under 18 the maximum exemption was \$540. It was possible to claim the maximum as long as the child's net income was less than \$1,910. If the child had an income of between \$1,910 and \$2,990, the claim was \$540 minus one-half of the amount of the child's net income over \$1,910. The maximum claim for a wholly dependent child over 18 was \$990. If the child had a net income of more than \$2,000 but not over \$2,990 the parent could claim \$990 minus the child's net income over \$2,000. If the child earned an income in excess of \$2,990, he/she did not qualify as a dependant (section 109(1)(d)). A child over 21 had either to attend school or be infirm to be claimed as a dependant.

(iii) Child Care Expenses

Under the Income Tax Act certain child care costs are allowed as a deduction for tax purposes from the income of a working mother and under certain circumstances from the income of the father (section 63).

The expense deduction is available to the working mother if the expenses were incurred to enable her to:

- be employed, carry on a business or take up the duties of an office;
- undertake an occupational training course where an adult training allowance is received under the National Training Act;
- engage in research or similar work in respect of which the individual received a grant.

The father can claim child care expenses if:

- he is single, widowed, divorced or separated pursuant to a decree, order or judgement or pursuant to a written agreement;
- the mother is unable to care for the children due to imprisonment, illness or disability.

The amount that may be deducted is limited to 2/3 of the taxpayer's earned income or a maximum of \$1,000 for each child

under 14 - or over 14 if physically or mentally infirm. An overall limitation of \$4,000 per annum per family is also imposed.

The Income Tax Act provides for additional exemptions for married persons, for example in the form of spousal registered retirement savings plan deduction (subsection 146 (5.1)), spousal transfers of unused deductions (section 110.3) and spousal tax free transfers of capital property (section 73).

(d) Child Care Institutions

Under the Canada Assistance Plan, the federal government shares with the provinces the cost of institutional care for children.

(e) Leaves of Absence for Family Needs

Employees of the Government of Canada can obtain prolonged leaves of absence to take care of their family responsibilities. Employees who were granted such leave and who want to return to the Public Service have priority in the nominations for appointment to the positions for which they have been qualified by the Public Service Commission of Canada.

B. Maternity protection

- (1) Principal laws, administrative regulations and collective agreements governing the various aspects of maternity protection and relevant court decisions, if any;

The principal laws governing the various aspects of maternity protection are the Hospital Insurance and Diagnostic Services Act, R.S.C. 1970, c. H-8, the Medical Care Act, R.S.C. 1970, c. M-8, the Federal-Provincial Fiscal Arrangements and Established Programs Financing Act, 1977, S.C. 1976-77, c. 10, the Criminal Code, R.S.C. 1970, c. C. 34, the Canada Labour Code, R.S.C. 1970, C. L-1, the Financial Administration Act, R.S.C. 1970, c. F-10, the Unemployment Insurance Act, 1971, S.C. 1970-71-72, c. 48, the Income Tax Act, S.C. 1970-71-72, c. 63, the Canada Assistance Plan, R.S.C. 1970, c. C-1 and the Canada Pension Plan, R.S.C. 1970, c. C-5.

- (2) Pre-natal and post-natal protection and assistance, including appropriate medical and health care and maternity and other benefits irrespective of marital status.

In Canada, primary jurisdiction for medical and health care rests with the provinces. However, in order to ensure that all residents have access to hospital and medical care, the Government of Canada has enacted legislation permitting it to

share the cost of hospital and medical care insurance programs administered by the provinces, provided that virtually all residents of the province are entitled to prepaid coverage. The legislative enactments of the Parliament of Canada in this area are the Hospital Insurance and Diagnostic Services Act which came into force on July 1st, 1958, the Medical Care Act, which came into force on July 1st, 1968 and the Federal-Provincial Fiscal Arrangements and Established Programs Financing Act, which came into force on April 1st, 1977.

All provinces and both territories have enacted corresponding legislation and participate in this health insurance scheme. All residents are eligible. Entitlement to coverage is based on residence status rather than on nationality. Landed immigrants and certain other categories of new residents to Canada can receive first day coverage in all jurisdictions except British Columbia, where a waiting period of three months is required before entitlement to coverage.

The universal provincial hospital and medical care insurance plans provide prepaid coverage for all medically necessary hospital and medical practitioners' care (both by general practitioners and specialists). This includes complete obstetrical care, irrespective of marital status. Most provinces, under their health insurance plans or by other arrangements, provide additional publicly-financed benefits (e.g., mental hospital care, non-hospital drugs, home care, health education) but the range of these additional benefits is not uniform between provinces.

For the Inuit and status Indians, medical care is provided directly by the Government of Canada. Pre-natal and post-natal protection is provided through a comprehensive program of medical care provided through the Department of National Health and Welfare. Such projects as preparation of information on immunization programs, collection of nutritional data on infants, community nutrition surveillance, printing and distribution of growth charts, analysis of the causes of infant deaths and provision of guidelines for use of Bacille Calmette-Guérin (B.C.G.) in tuberculosis control are included.

- (3) Special protection and assistance accorded to working mothers including paid leave or leave with social security benefits and guarantees against dismissal during a reasonable period before and after childbirth;

Responsibility for maternity protection is shared by the federal and provincial governments. At the federal level, maternity leave provisions are contained in the Canada Labour Code, the Financial Administration Act, the Unemployment Insurance Act, 1971 and various collective agreements. These are described

below. Measures adopted by the provinces for maternity leave for women workers are described in the appropriate provincial sections of this Report.

(a) Employees under Federal Jurisdiction other than Public Servants

The Canada Labour Code provides for maternity leave for women employed in establishments under federal jurisdiction excluding members of the Public Service of Canada. Every employee who has completed 12 consecutive months of continuous employment with an employer and who submits four weeks notice of her intention to take maternity leave, and who provides her employer with a medical certificate specifying the estimated date of her confinement is entitled to maternity leave. This leave consists of a period not exceeding 17 weeks, or the aggregate of 17 weeks and an additional period equal to the period between the date specified in the medical certificate and the actual date of confinement, if confinement occurs after the date specified. This leave shall begin no earlier than 11 weeks preceding the date specified in the medical certificate and end no later than 17 weeks following the actual date of confinement. Upon termination of maternity leave, an employee shall be reinstated by her employer in the position occupied by her at the time such leave commenced, or in a comparable position with not less than the same wage and benefits. For the purposes of calculating pension and other benefits, employment after the termination of such leave shall be deemed to be continuous with employment before the commencement of such leave. No employer shall dismiss or lay off an employee solely because she is pregnant or has applied for maternity leave. (Sections 59.2, 59.3 and 59.4).

(b) Employees in the Public Service of Canada

Under section 7 of the Financial Administration Act, the Treasury Board of Canada has general authority to determine the terms and conditions of employment, including maternity leave, for employees in the Public Service of Canada.

Specific provisions concerning maternity leave for employees represented by a bargaining agent are found in the collective agreements between the Treasury Board of Canada, as employer, and the various public service bargaining units, pursuant to sections 54 and 56 of the Public Service Staff Relations Act. For employees excluded from collective bargaining, maternity leave is determined either by the Treasury Board's Directives on Terms and Conditions of Employment for Certain Unrepresented Employees or by the Directives of the Employer Applicable to the Management Category, whichever applies.

While there is some variation among them, these collective agreements and directives generally provide that every pregnant

employee shall be granted maternity leave, without pay, commencing 11 weeks before the expected date of childbirth and ending no later than 26 weeks after childbirth. Maternity leave may, upon the employee's request, begin earlier or later than 11 weeks prior to the expected date of childbirth. The employer may request medical certification of pregnancy. The period of maternity leave is included in the total years of eligible service in the calculation of pension benefits, severance pay, pay increments and the rate of accrual of vacation leave. During the period of maternity leave, the employee retains position security and the employer continues to pay its normal share of the contributions required under the public service pension and insurance plans.

(c) Maternity Leave Benefits

Under the terms of the Unemployment Insurance Act, 1971, as amended, a woman who wishes to claim maternity benefits must have 20 weeks of insurable employment in the last 52. She must also prove she was either a member of the work force, or was receiving unemployment insurance benefits or a combination of the two, for at least 10 weeks between the 30th and 50th week prior to the expected date of birth.

When these provisions were inserted into the Unemployment Insurance Act in 1971, the general basic requirement for other claimants to qualify for benefits under the Act was eight or more weeks of insurable employment in the 52 previous weeks. This difference in the requirements was challenged before the courts by a claimant who alleged that it amounted to discrimination on the basis of sex and violated the equality before the law provision of the Canadian Bill of Rights. In its decision rendered in this case in 1978, the Supreme Court of Canada held that the special conditions applicable to pregnant women did not contravene the Canadian Bill of Rights, as they formed an integral part of a legislative scheme enacted for valid federal objectives and were concerned with conditions from which men were excluded. The Court held that these provisions did not discriminate against pregnant women, but provided them with benefits additional to the other benefits provided for in the Act. (Stella Bliss v. the Attorney General of Canada, 92 D.L.R. (3rd) 1979, 1 S.C.R. 183)

Workers in any part of Canada are eligible to receive maternity benefits under the Unemployment Insurance Act, 1971 if they can meet the eligibility requirements, irrespective of whether or not a province or territory has provisions in its labour legislation providing for maternity leave.

Maternity benefits are available to non-nationals in the same manner as for nationals provided that they are landed immigrants in Canada and that they otherwise meet the prescribed requirements for maternity benefits.

Benefits are payable, after a two-week waiting period, for a maximum of 15 consecutive weeks. Flexibility is given to the claimant in that payments may commence as early as eight weeks before the expected date of confinement and may end as late as 17 weeks after the week of confinement. A claimant is required to furnish a medical certificate setting out the expected date of confinement, to furnish such other evidence as the Unemployment Insurance Commission may require, and to give the date of birth of the child. The benefits rate is 60% of the woman's insurable earnings.

The legislation permits employers to establish supplemental unemployment benefit plans which, if approved by the Canada Employment and Immigration Commission, permit the employer to top-up a claimant's maternity benefits with supplementary benefits.

In the federal public service there are currently (1982) two types of supplemental maternity allowances. Both types are provided through collective agreements reached between the employer and bargaining units. Under the first one, which is widely available, employees on maternity leave can generally receive a two-week "bridging benefit" for the two-week period they have to wait before receiving the unemployment insurance maternity benefits, at the same rate as the benefits payable under the Unemployment Insurance Act. Under the second type, a 17-week allowance supplements the unemployment insurance maternity benefits to 93 per cent of the employee's regular salary. The second type of allowance is currently (1982) provided through only a few collective agreements.

The publication Legislation Relating to Working Women summarizes, among other things, federal and provincial provisions relating to maternity leave. It was prepared by the Women's Bureau of the federal Department of Labour. The study Maternity Leave in Canada prepared by the Committee on Women in Employment of the Canadian Association of Administrators of Labour Legislation covers the subject in greater depth, and considers problem areas. Copies of both publications will be forwarded to the Secretary-General of the United Nations along with this report.

- (4) Specific measures, if any, in favour of working mothers who are self-employed or participating in a family enterprise, especially in agriculture or in small crafts and trades, including adequate guarantees against loss of income;
- (5) Specific measures designed to assist mothers to maintain their children in the case of their husband's death or absence.

Measures of assistance to mothers in cases of their husbands' death or absence flow from the Canada Assistance Plan, the Canada Pension Plan and the Income Tax Act.

(a) The Canada Assistance Plan

The Canada Assistance Plan permits the Government of Canada to share with the provinces the cost of social assistance benefits to persons in need, including women who are mothers.

(b) The Canada Pension Plan

Certain provisions of the Canada Pension Plan are designed to assist mothers (and fathers) in maintaining their families, either in cases where their spouse dies, or in the event of marriage breakdown. The Plan is a compulsory, contributory, earnings-related social insurance scheme, designed to provide a basic measure of income protection against the contingencies of retirement, disability, and death. The Canada Pension Plan applies throughout Canada except in the Province of Québec which has its own plan.

The main measures provided by the Plan which may be of assistance to working mothers are a spouse pension and death benefits accorded to the spouse in case of her husband's death and a credit-splitting provision in case of dissolution of the marriage. Death benefits are actually paid to the estate of the deceased contributor, which in most cases is the spouse.

(i) Spouse's Pension

Following the death of a Canada Pension Plan contributor, a monthly pension may be payable to the surviving spouse. Contributors qualify their survivors for this benefit if they have made the required contributions to the Plan for a minimum qualifying period. This period is one third of the calendar years for which the person was required to contribute to the Plan or ten calendar years, whichever is smaller. In no case, however, can the minimum be less than three years. A person is required to contribute to the Plan from January 1, 1966, or from the month following the person's 18th birthday, whichever occurs later. There is no eligibility if the contributor does not meet the minimum qualifying requirements.

In 1981, the maximum Spouse's Pension payable to a spouse 65 years of age and over was \$164.59 per month; the maximum payable to a spouse less than 65 was \$165.78. These benefits are indexed annually to reflect increases in the Consumer Price Index.

In March 1981, there were approximately 256,000 beneficiaries of the Spouse's Pension program.

(ii) Death Benefit

Following the death of a contributor, a lump sum "Death Benefit" may be payable to the widow/widower (or estate). In 1981, this amounted to \$1,470 which is 10% of the "Year's Maximum Pensionable Earnings" under the Canada Pension Plan for that year. Eligibility criteria for the Death Benefit are identical to those described above for the Spouse's Pension.

(iii) Credit-Splitting Provision

Since January 1, 1978, the Canada Pension Plan provides protection (for contingencies of disability, death and retirement) for a spouse working at home and any dependent children in the event of marriage dissolution. Pension credits earned by one or both spouses during their years of marriage may be divided equally between them upon marriage dissolution - divorce or legal annulment.

To be eligible for a division of pension credits, the following conditions are required:

- The legal termination of marriage must have taken place on or after January 1, 1978.
- The spouses must have lived together for a minimum of 36 consecutive months during the marriage.
- The legal termination must be recognized by Canadian law.
- An application must be submitted within three years of the effective date of the dissolution of marriage.

This provision is considered to be an important step towards recognizing the spouse's contribution in the home.

(c) The Income Tax Act

On death of a taxpayer, relief is provided in tax measures as follows:

- benefits of up to \$10,000 received by the surviving spouse as a result of the death of the other are tax exempted (section 248);
- the surviving spouse may deduct \$1,000 from her pension income for income tax purposes (section 110.2);
- the capital property may be transferred to the surviving spouse without tax (sections 70(6) and 70(6.1));
- family farms and small family businesses may be transferred tax exempt to a child, grandchild or great-grandchild (subsections 70(9), 70(9.2) and 70(9.4)).

On separation or divorce, maintenance paid by a taxpayer to his spouse or ex-spouse for herself and children is deductible for income tax purposes (paragraphs 60(b) and 60 (c)).

C. Protection of children and young persons

- (1) Principal laws, administrative regulations and other measures including collective agreements and court decisions, if any, aimed at protecting and assisting all children and young persons, in order to give them opportunities and facilities for their healthy physical and psychosocial development without distinction or discrimination on account of birth, parentage, social origin or other conditions;

The principal laws and other measures concerning the protection of children and young persons which will be discussed under this heading are:

the Canada Assistance Plan, R.S.C. 1970, c. C-1;
the Family Allowances Act 1973, S.C. 1973-74, c. 44;
the Canada Pension Plan, R.S.C. 1970, c. C-5;
the Juvenile Delinquents Act, R.S.C. 1970, c. J-3;
the Criminal Code, R.S.C. 1970, c. C-34;
the Hazardous Products Act, R.S.C. 1970, c. H-3;
various activities in respect of child abuse, and the
Canada Labour Code, R.S.C. 1970, c. L-1.

- (2) Special measures for the care and education of children, separated from their mothers and deprived of a family; physically, mentally, or socially handicapped children; and delinquent minors;

(a) Services to Children

Through the Canada Assistance Plan, the Government of Canada shares 50 per cent of certain costs related to the provision of child welfare services. This includes certain child welfare functions carried out by provincial authorities related to the acceptance, investigation, and exploration of complaints of neglect or abuse, including the operation of a central registry, as well as the processes of apprehension or placement of children alleged to be in a state of neglect or in need of protection as defined in provincial child welfare laws.

The Plan shares in the cost of care and services provided to children actually in the care of child welfare agencies. This includes costs of care in foster homes, group homes and child care institutions as well as costs related to the development of these resources. Costs of services provided to parents of

children in the care of a child welfare authority where the objective is the return of the children to their homes, the preservation of the parent-child relationship, and to enable parents to perform and resume their full parental role or, where appropriate, to relinquish it, are also shared under the Plan.

The Plan also supports services provided to children and families which are of a preventive or ameliorative nature. These may include the mandatory services provided to families of children living in their own home who are alleged or found to be abused or neglected; services to children whose parents are unwilling or unable to provide them; and support services such as counselling, day-care, homemaker services to families in marginal income positions. Welfare agency costs shared consist mainly of staff salaries, travel, and training conferences.

(b) Special Allowances

Under the Family Allowances Act, provision is made for the payment of special allowances on behalf of children who are maintained by welfare agencies, government departments, institutions or foster parents. Like family allowances, the special allowances are paid on a monthly basis. In 1981, the rate per child was \$33.53. The amount of this benefit is indexed annually to reflect increases in the Consumer Price Index.

(c) Orphans' Benefits

Under the terms of the Canada Pension Plan, contributors may qualify their children to receive monthly benefits in the event of the contributor's death. Persons having the custody and control of a deceased contributor's dependent children, who are under the age of 18 and have never been married, may apply on behalf of these children. Application may be made whether the children were the natural or legally adopted children of the contributor or were adopted in fact by the contributor. Payment of the orphan's benefits may continue for children between the ages of 18 and 25 who are in full time attendance at school or university and have never been married. In 1981, approximately 101,000 children of deceased contributors were receiving orphans' benefits. Benefits similar to orphans' benefits are payable to the children of disabled contributors. In 1981, about 34,000 children received these benefits.

(d) Delinquent Minors

The Juvenile Delinquents Act, R.S.C. 1970, c. J-3, deals with the treatment of delinquent minors. The Act is in force in all the provinces except Newfoundland where, for constitutional reasons, it does not apply. Newfoundland has its own legislation.

Section 3 of the Act states that where a child is adjudged to have committed a delinquency he/she shall be dealt with, not as

an offender, but as one in a condition of delinquency and therefore requiring help and guidance and proper supervision. A child is defined in the Act as meaning any boy or girl under the age of 16 or such other age as may be directed in any province.

Section 38 states that the Act shall be liberally construed in order that its purpose may be carried out, namely, that the care and custody and discipline of a juvenile delinquent shall approximate as nearly as may be that which should be given by his/her parents, and that as fair as practicable every juvenile delinquent shall be treated, not as criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help and assistance.

Concerning the care of juvenile delinquents the Act provides in Section 20 that a juvenile court may either commit the child to the care or custody of a probation officer or of any other suitable person, or allow the child to remain in his/her home, or cause the child to be placed in a suitable family home as a foster home, or commit the child to the charge of any children's aid society, duly organized under an act of the legislature of the province and approved by the lieutenant governor in council, or, in any municipality in which there is no children's aid society, to the charge of the superintendent, if there is one.

Section 25 provides that it is not lawful to commit a juvenile delinquent apparently under the age of 12 years to any industrial school, unless and until an attempt has been made to reform such child in his/her own home or in a foster home or in the charge of a children's aid society, or of a superintendent, and unless the court finds that the best interests of the child and the welfare of the community require such commitment.

Section 26 further provides that no juvenile delinquent shall, under any circumstances, upon or after conviction, be sentenced to or incarcerated in any penitentiary, or county or other gaol, or police station, or any other place in which adults are or may be imprisoned. This section does not apply however to a child over 14 who has been proceeded against by indictment in the ordinary courts in accordance with the provisions of the Criminal Code.

- (3) Measures to protect children and young persons against economic, social and all other forms of exploitation, neglect or cruelty and from being the subject of traffic;

In Canada, the constitutional responsibility for legislation affecting children is divided between the federal and provincial governments.

All provinces and territories make statutory provision for the intervention of the public authority or its delegated

representative when children under a specified age (16, 17 or 18 years depending on the province or territory) appear to be neglected or in need of protection according to criteria set out in the legislation.

Under child welfare legislation, the court may order protection supervision for the child or removal of the child from his/her parent(s) or guardian(s).

In turn, as explained previously, the federal government contributes to the cost of services to these children and their families under cost-sharing arrangements with the provinces.

The federal government has further intervened in the protection of children by the enactment of various legislative provisions, for example in the Juvenile Delinquents Act, R.S.C. 1970, c. J-3, in the Criminal Code, R.S.C. 1970, c. C-34 and in the Hazardous Products Act, R.S.C. 1970, c. H-3. It has also undertaken a number of initiatives in respect to child abuse and neglect.

(a) Juvenile Delinquents Act

The Juvenile Delinquents Act makes a criminal offence the fact of encouraging delinquency or inducing a child to leave a detention home or foster home (ss. 33 and 34).

(b) Criminal Code

The Criminal Code on its part has criminalized certain acts and types of behaviour when the main victims are children. The following might be mentioned as examples:

- under certain conditions, sexual intercourse between a male person and a female person under the age of 16 years (section 146);
- incest (section 150);
- for the parent or guardian of a female person under the age of 14 years, to cause the defilement of that person (section 166);
- for anyone in charge of premises, to permit a female person under the age of 18 years to have illicit sexual intercourse with male persons therein (section 167);
- endangering the morals of a child under the age of 18 years by acts committed in the home of that child (section 168);
- failure by a parent or guardian of a child under the age of 16 years to provide that child with the necessities of life (section 197);

- unlawfully abandoning or exposing a child under the age of ten years so that his life or health is, or is likely to be endangered (section 200);
- abduction of a child less than 14 years old (section 250);
- causing the death in the act of birth of a child (section 221);
- failure by a female person who, with the intent that a child shall not live or with the intent to conceal the birth of a child, fails to obtain assistance during childbirth if this failure results in the death or permanent injury of the child (section 226).

(c) Hazardous Products Act

The Hazardous Products Act prohibits the advertising, sale or importation of hazardous products, except those authorized by regulations. A large number of these are products for use by children and products such as household chemical products, which could be especially hazardous to children if not properly labelled, stored, handled or used.

A schedule to the Act contains a list of some 30 series of products which are strictly prohibited for advertising, sale or importation to Canada. The schedule also contains another list of more than 30 series of products which can be advertised, sold or imported to Canada only as authorized by regulations. Regulations have been enacted concerning, among other things, toys, hazardous substances, science education sets, children's car seats and harnesses, cradles and cribs, playpens, pacifiers and liquid coating materials.

The Governor in Council may by order amend the schedule by adding new products to the list or by deleting therefrom any product or substance the inclusion of which therein he is satisfied is no longer necessary.

(d) Activities in Respect to Child Abuse and Neglect

In response to recommendations of the report Child Abuse and Neglect (1975) of the Parliamentary Standing Committee on Health, Welfare and Social Affairs, and in follow-up to several national consultation meetings held in 1978, 1980 and 1981, the Department of National Health and Welfare has undertaken the following activities in respect to child abuse and neglect.

(i) Child Abuse Information Program

In 1978, the Department established the Child Abuse Information Program which is designed to produce and disseminate information materials on all aspects of child abuse and neglect, and to

provide consultation services to provinces, voluntary associations, community groups and individuals. The program has recently been expanded in order to meet the increasing public and professional information requirements across the country.

As an example of its activities, the program has funded, and is presently distributing widely the following publication prepared by the Tree Foundation: Research and Demonstration Projects in Child Abuse and Neglect in Canada.

The program is actively involved in the planning and organization of the Fifth Congress of the International Society for the Prevention of Child Abuse and Neglect, to be held in Montréal in September 1984.

(ii) Study on Sexual Offences Against Children and Youth

The Department of National Health and Welfare is co-funding with the Department of Justice a major study to enquire into the incidence and prevalence in Canada of sexual offences against children and youth and to recommend improvements in laws for the protection of young persons from sexual abuse and exploitation. A report is expected in 1984.

(iii) Other Initiatives

The National Welfare Grants Program and the National Health Research and Development Program are providing funds for research and demonstration projects related to health and welfare aspects of child abuse and neglect.

A proposal for the establishment of a national clearinghouse on family violence was outlined in Towards Equality for Women, the government's National Action Plan, Status of Women. The Minister of National Health and Welfare established this clearinghouse which provides legal, research and service information and technical expertise as a service to governments, groups and individuals offering assistance to victims of family violence. The Child Abuse Information Program mentioned above has been integrated into this clearinghouse.

Finally, the Department, in conjunction with the National Film Board, has selected and purchased films on family violence including films on physical abuse and neglect and on sexual abuse of children. These films are housed in the National Film Board's 30 offices across the country where they are available to the public.

- (4) Provisions governing work by children and young persons, including minimum age for paid or unpaid employment, regulation of hours of work and rest, prohibition or restriction of

night work and penalties imposed for violations of such provisions; and

- (5) Measures taken to prevent employment of children and young persons in any work which would be dangerous to life, harmful to their morals or health or likely to hamper their normal physical and psychosocial development and penalties imposed for violations of such measures;

Canada is a party to the following conventions of the International Labour Organization dealing with employment of children and young persons:

- Convention Fixing the Minimum Age for Admission of Children to Employment at Sea (No. 7);
- Convention Fixing the Minimum Age for the Admission of Young Persons to Employment as Trimmers or Stokers (No. 15);
- Convention concerning the Compulsory Medical Examination of Children and Young Persons Employed at Sea (No.16); and
- Convention Fixing the Minimum Age for the Admission of Children to Employment at Sea (No. 58).

The Canadian Labour Standards Regulations adopted pursuant to the Canada Labour Code, which applies to employees in establishments under federal jurisdiction, regulate the employment of persons under the age of 17 years in any office or plant, transportation, communication, maintenance or repair service, construction work, or other employment in a federal work, undertaking or business. An individual under the age of 17 may be employed in such work in the federal jurisdiction if he or she is not required under the law of his/her province of residence to be in attendance at school. The following stipulations also apply.

The work must not be carried on underground in a mine; it must not involve employment in or entrance to a place in which the employee in question is prohibited from entering under the Explosives Regulations; it must not be work as an atomic energy worker as defined under the Atomic Energy Control Regulations; it must not be work under the Canada Shipping Act which the employee is prohibited from doing by reason of age, or work that is likely to be injurious to health or safety.

An employer may not require or permit an employee under the age of 17 to work between 11:00 p.m. on one day and 6:00 a.m. on the

following day. The employee is to be paid at a rate of not less than the specified minimum wage or not less than the equivalent of the rate for the time worked when wages are paid on any basis of time other than hourly. The minimum hourly rate in federal jurisdiction for employees 17 years of age and over is \$3.50, in 1982. For employees under the age of 17, the rate is \$3.25 per hour. However, an employee under the age of 17 years who is being trained on the job may be paid at a rate of less than \$3.25 if conditions specified by the Regulations are met. The first permissible basis for a wage less than \$3.25 per hour is if the employee is an apprentice registered under a provincial apprenticeship act and is being paid in accordance with a rate schedule established under the act. A lower wage may also be paid if the employer establishes to the satisfaction of the Minister of Labour that the employee is undergoing training under the direct supervision of a person fully qualified in the occupation to be learned in preparation for employment with the employer, or elsewhere, at a rate of pay in excess of the minimum federal rate of \$3.50 per hour. Furthermore, during the period of such training the employee must be paid at a rate considered by the Minister to be appropriate for the training period or any portion of the period.

Violations of Part III of the Canada Labour Code or the Canada Labour Standards Regulations which apply in the above circumstances are punishable, on summary conviction, by fine or imprisonment.

The Government of the Northwest Territories, pursuant to the Labour Standards Ordinance, has enacted the Employment of Young Persons Regulations, which prohibit the employment of young persons (persons who have not attained the age of 17 years) in any construction industry unless the employee first obtains the approval in writing of the Labour Standards Officer. In respect of any other industry the employment of young persons is subject to the consideration that the employer must, upon request, be able to satisfy the Labour Standards Officer that the employment of the young person is not liable to be detrimental to health, education, or moral character of the young person. No employer is permitted to require the young person to work at any time between the hours of 11:00 PM and 6:00 AM without first obtaining the approval in writing of the Labour Standards Officer.

The Mining Safety Ordinance (Section 11) provides that no person under the age of 16 years shall be employed in or about the mine and no person under the age of 18 years shall be employed underground or at the working face of any open pit or quarry.

In the Yukon Territory there is a provision for regulations to be made under the Labour Standards Ordinance regarding circumstances of employment for people less than 17 years of age, but none have been made (section 14(1)(f)). The Mining Safety Ordinance

(section 10(1)) states that no-one under the age of 18 shall be employed underground.

- (6) Statistical and other available data showing the number of children and young persons in the various age groups who are in fact working, and the sectors or type of work in which they are employed.

Statistics on the labour force in Canada are gathered by Statistics Canada. In an appendix to this report there are tables of statistics on the labour force characteristics of the 15-19 age group for the year 1978. Detailed data on the occupations and the sectors of industries in which they were employed in 1971 can be found in Catalogue 94-723 Vol: III-Part: 2 (Bulletin 3.2-9) and Catalogue 94-749 Vol: III-Part: 5 (Bulletin 3.5-2) of the 1971 Census, copies of which are being forwarded to the Secretary-General of the United Nations with the present report.

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

- A. General and specific measures taken to achieve an adequate standard of living and a continuous improvement of living conditions of people.

Over the last decades the standard of living and the living conditions of Canadians have increased considerably. In general, the standard of living of the population of Canada is one of the highest in the world.

There remains, however, large disparities of income among the population, as well as regional disparities in the standard of living. In cooperation with the provinces, the Government of Canada is engaged in various programs designed to provide the basic necessities of life to people in need and in programs designed to reduce regional economic disparities. The main programs in this regard are outlined below.

Canadians are aware that disparities also exist around the globe in the standard of living and conditions of living of people. Canada's contribution to international development assistance will also be briefly described below.

(a) The Canada Assistance Plan

Under Part I of the Canada Assistance Plan provision is made for the cost-sharing with provinces and territories of general social assistance payments to persons in need. Assistance includes payments for food, shelter, clothing, fuel, utilities, household supplies, and personal requirements as well as prescribed welfare services and items of special need, such as tools or equipment essential to obtaining employment and essential repairs or alterations to property. The Canada Assistance Plan also shares

in the costs of providing care for adults and children in need in recognized homes for special care with the exception of the costs relating to long-term adult residential care which have been subsumed since 1977 under the Federal-Provincial Fiscal Arrangements and Established Programs Financing Act. The other components of cost-shared assistance consist of comforts allowances provided to residents of homes for special care and hospitals, certain health care costs and child welfare expenditures such as maintenance costs of children in foster homes.

(b) Regional Policies

As explained in Canada's report on Articles 6 to 9 of the Covenant (pages 19-22¹), in 1969 the Government of Canada established the Department of Regional Economic Expansion whose main objective was to assist and encourage each region of Canada in realizing its economic and social potential. To achieve this objective the Department has passed development agreements with the provinces and has cooperated with them in the development of specific programs. The objectives of these agreements and programs included increasing opportunities for people to improve real standards of living.

The Government of Canada's economic departments and Cabinet's decision-making process were reorganized in 1982 in order to involve the entire government in regional economic development. Prior to this reorganization, the Department of Regional Economic Expansion was the only department with the specific mandate of assisting and encouraging each region in Canada to realize its potential. Henceforth, all departments working in economic development will be more directly involved at the regional level as a result of an increase in manpower and programs in the regions. The regional activities of these departments are coordinated by the Ministry of State of Economic and Regional Development, which is also responsible for regional economic planning in general.

The creation of the Department of Regional Industrial Expansion was also announced in 1982. This new department groups the services administering regional programs within the Department of Regional Economic Expansion and those dealing with industry, small business and tourism within the Department of Industry, Trade and Commerce. This reorganization is aimed at promoting the development of industrial programs and policies adapted to the needs of the country as a whole as well as those of the various regions and at improving the administration of industrial programs in each region.

(c) Indian and Northern Economic Development

In keeping with Canada's constitutional and statutory obligations to the Indian and Inuit peoples, and with the principles of

1. Pages 20-23 of the text as reprinted by the United Nations in document E/1978/8/Add. 32.

self-development and access to opportunities for people to improve real standards of living, the Department of Indian Affairs and Northern Development aims to support Indians and Inuit in their efforts to identify and develop collective and individual resources and opportunities for economic self-reliance; and to stimulate economic development and employment opportunities for northern residents.

In order to achieve these objectives, the Department has designed specific programs to assist Indians, Indian bands, and Inuit people in creating business, employment and socio-economic development opportunities. In cooperation with the governments of the Yukon and Northwest Territories, the Department is involved in the development of socio-economic programs, and in the provision of employment and training opportunities for disadvantaged northern residents. The Department also participates in the analysis of regional development proposals, and in the negotiation of regional economic development agreements with both territories.

(d) Equalization Payments

Recognizing that not all provinces receive the same amount of income through their regular sources of income, the Government of Canada redistributes, through equalization payments, some of its own revenues to the provinces with larger needs. This allows these provinces to provide to their residents levels of services which they could otherwise not afford.

(e) International Cooperation

In the international field, Canada has contributed to development assistance since 1950. This effort has increased since 1968 with the creation of the Canadian International Development Agency. In 1970, the Government of Canada confirmed this new impulsion in the process of the review of its foreign policy. Five years later, the Strategy for International Development Cooperation for the period 1975-80 underlined the increasing importance of Canadian relations with developing countries and expressed the seriousness of its commitments based on four underlying principles:

- A commitment to increased sharing of Canada's wealth.
- The transfer of resources in such a way as to increase the self-reliance of developing countries.
- The concentration of development assistance in the poorest developing countries.
- Priority attention to meeting the basic needs of their population, and to the participation of all social groups in the development process.

The Canadian International Development Agency has extended the major elements of its 1975-80 strategy to consider the following three priority sectors: food and agriculture, energy, and human resource development. Projects in all three sectors are aimed at assisting underdeveloped countries meet the basic human needs of their populations.

Meeting basic human needs, as defined by the International Labour Office, is fundamental to Canada's Strategy for International Development Cooperation. The Strategy clearly emphasizes the significance of basic needs in formulating policy. Point five stresses the importance of improving the quality of life in all sectors of the developing world's populations. Point seven specifies that assistance will be focussed to a greater extent on the most crucial aspects of development: food production and distribution; rural development; education; public health; and demography. This assistance will be allocated especially to the poorest countries, as stated in point eight. On a global scale, the bilateral program has devoted approximately three-fourths of its resources to such aid. The Canadian International Development Agency ensures that all area divisions periodically review and update their programming in order to define specific human needs more accurately and identify target groups. In 1980-81, the Agency participated in more than 2,000 projects sponsored by more than 140 non-governmental organizations. Eighty per cent of these projects were designed for the poorest sectors of the communities in question and involved agricultural, rural and community development, as well as health, education, water, small businesses and cooperatives.

With regard to the multilateral program, Canada supports two main types of multilateral institutions and their programs - financial institutions and development banks on the one hand, and, on the other, United Nations development organizations, institutions of the Commonwealth and the French-speaking community, and international research institutions. The International Development Association, the World Food Program and the United Nations Development Program are among the principal beneficiaries.

Furthermore, the government recognizes the importance of science and technology in meeting development objectives, as well as the necessity of establishing a research infrastructure to enable countries to solve their own problems. Although the Canadian International Development Agency finances some activities of a scientific and technological nature, the International Development Research Centre is the main channel in the field of research. Its role is to support agricultural, medical, educational and social research suited to meeting the basic needs of the world's neediest communities. In 1980-81, the Centre's budget was \$38.89 million. Its Agriculture, Food and Nutrition Sciences Branch, for example, supports the development of plant, animal, marine and forest resources.

In addition to these four major means of channelling aid to meet basic human needs, three other activities should be singled out: food assistance; the program to integrate women in development; and technical cooperation.

Food aid has always been a major component of Canadian aid, accounting for 15 to 20 per cent of total disbursements. In 1980-81, total food aid was \$183.49 million -- \$106.82 million for the multilateral program; \$73.17 million for the bilateral program; and \$3.5 million for the non-governmental organizations program. The Food Aid Coordination and Evaluation Centre was established in 1978 to improve the effectiveness and efficiency of Canadian food aid. Certain measures have been taken to evaluate Canadian participation in the World Food Program and the powdered milk program of non-governmental organizations, for example. In addition to participating in world food programs, Canada participates in the FAO/WHO Food Standards Programme (Codex Alimentarius). The standards adopted under this program protect consumers and facilitate world trade.

With regard to the participation of women in development, a new centre of responsibility was created in 1976 within the Canadian International Development Agency, the Program of Integration of Women in Development. This program aims: (1) to promote policies and strategies favourable to the participation of women in the process of social and economic development of their respective country; (2) to disseminate information to planning and project managers; and (3) to organize conferences and/or meetings apt to look at the role of women in development.

In 1980, the Canadian International Development Agency identified more than 30 bilateral programs which included components that have a planned development impact on women in the agricultural, educational, health and employment sectors. The participation of women in the execution of bilateral programs was actively sought and their role taken into account in the planning process. The Agency also participated indirectly in many non-governmental organization and multilateral projects of particular significance to improving the basic needs of the poorest women.

Finally, technical cooperation continues to be an integral part of the bilateral program. In 1980, some 600 Canadians contributed their efforts to projects in the developing world, and more than 59 per cent of these worked in the educational and renewable resource sectors. As one of its special programs, the Canadian International Development Agency cooperated with the Association of Universities and Colleges of Canada in establishing an international development office in order to enhance the association's role in international development. The Institutional Cooperation Division of the Agency consults with and financially supports Canadian educational institutions which want to operate their own projects in areas like animal health, technology, rural training, water quality or professional

exchanges. In addition, the Agency is sponsoring the training of almost 1,500 students in Canada and in developing countries. The Agency is increasingly encouraging training in these countries as the mechanism which is often best adapted to the needs of the countries concerned.

B. Right to adequate food

- (1) Principal laws, administrative regulations and collective agreements designed to promote the right of everyone to adequate food, and relevant court decisions, if any;

(a) General

Over the years, there have been a number of federal and provincial programs which have been successful in furthering the development of the Canadian food system, and government policies have been modified from time to time to meet changing circumstances. While an adequate food supply is not a problem in Canada there has been growing concern about nutrition, rising food prices, income stability for farmers and fishermen, conservation of finite land and fishery resources, and access to world export markets.

In response to these concerns the Government of Canada developed a comprehensive national food strategy for Canada. A vital part of the food strategy is a long-range plan for orderly agricultural development in Canada. The Department of Agriculture plays the leading role in coordinating the team of provincial and federal departments and agencies working to develop a comprehensive plan for the use of Canada's agricultural resources.

The government has undertaken to use and develop its food policies to encourage the food system to provide, on a continuous basis, food and food services in the simplest, most economical and most direct manner and in the most nutritious and useful form to meet the needs and demands of consumers. In this regard, the government undertook:

- to provide regular price information to consumers on a selected set of basic foods;
- to strengthen its food inspection services and work with the provinces towards a set of national food inspection guidelines;
- while protecting producers and consumers from short-term distortions in world commodity markets, to strive to enhance the productivity, efficiency and competitiveness of food production, processing distribution and retailing sectors;

- to give priority to the improvement of the structure and procedures of agencies and other institutions involved in the production and marketing in order to improve their effectiveness and to make more information on them available to the public;
- to give increased emphasis to the importance of food safety and good nutrition, including an effort to ensure that agricultural production policies take into account nutritional and safety implications; and
- in collaboration with the provinces, to reinforce present approaches to food safety and quality, public information and education.

(b) Fisheries

The guidelines for the preparation of this report deal mainly with the production of agricultural products. However, because of the importance of the fisheries in Canada, the following paragraphs will provide a brief account of the government's involvement in the management of Canada's fisheries resources.

Historical Background

The Department of Fisheries and Oceans was established on April 2, 1979, under Part 1 of the Government Organization Act, 1978, (S.C. 1978-79, c. 13). The new department assumed essentially the powers, duties and functions of the Fisheries and Marine Service which formed part of the Department of Fisheries and Environment prior to the latter's reorganization. Historically the department dates back to Confederation with the establishment in 1867 of the Department of Marine and Fisheries. Legislation to legally organize that department - An Act for the Regulation of the Fisheries - was passed at the first session of Parliament in 1868.

Overall Responsibilities

The powers, duties and functions of the Minister of Fisheries and Oceans extend to and include all matters over which the Parliament of Canada has jurisdiction, not by law assigned to any other department, board or agency of the Government of Canada, relating to:

- (a) sea coast and inland fisheries;
- (b) fishing and recreational harbours;
- (c) hydrography and marine sciences;
- (d) the coordination of the policies and programs of the Government of Canada respecting oceans; and
- (e) such other matters over which the Parliament of Canada has jurisdiction relating to oceans as are by law assigned to the Minister.

Legislation

The Minister of Fisheries and Oceans administers the following acts:

the Coastal Fisheries Protection Act, R.S.C. 1970, c. C-21;
the Fisheries Act, R.S.C. 1970, c. F-14;
the Fisheries Development Act, R.S.C. 1970, c. F-21;
the Fisheries Improvement Loans Act, R.S.C. 1970, c. F-22;
the Fisheries Prices Support Act, R.S.C. 1970, c. F-23;
the Fisheries and Oceans Research Advisory Council Act, R.S.C. 1970, c. F-24;
the Fish Inspection Act, R.S.C. 1970, c. F-12;
the Fishing and Recreational Harbours Act, S.C. 1977-78, c. 30;
the Freshwater Fish Marketing Act, R.S.C. 1970, c. F-13;
the Great Lakes Fisheries Convention Act, R.S.C. 1970, c. F-15;
the Northern Pacific Halibut Fishery Convention Act, R.S.C. 1970, c. F-17;
the North Pacific Fisheries Convention Act, R.S.C. 1970, c. F-16;
the Northwest Atlantic Fisheries Convention Act, R.S.C. 1970, c. F-18;
the Pacific Fur Seals Convention Act, R.S.C. 1970, c. F-33;
the Pacific Salmon Fisheries Convention Act, R.S.C. 1970, c. F-19;
the Saltfish Act, R.S.C. 1970 (1st Supp.), c. 37;
the Territorial Sea and Fishing Zones Act, R.S.C. 1970, c. T-7;
and
the Whaling Convention Act, R.S.C. 1970, c. W-8.

Fisheries Management

Fisheries management programs are aimed at ensuring maximum economic and social benefit to Canada from the use of fisheries and other aquatic living resources of coastal and inland waters, and at maintaining and conserving these resources and the aquatic environment in a healthy productive state.

Specific programs are carried out in all regions to ensure:

- (a) the conservation, protection and enhancement of fisheries resources;
- (b) protection of fish habitats;
- (c) allocation of and control of access to fishery resources;
- (d) the maintenance of high quality standards and safety for fish and fishery products for human consumption; and
- (e) provision of support and assistance to fishermen and the fish processing and distribution industry to promote more effective harvesting, production and marketing of fish and related products.

Other activities include the management of a public fishing

vessel insurance plan, and the administration of the government's fishing vessel construction subsidy program.

Programs of fisheries research directly supporting national and international fisheries activities are conducted from research stations located in coastal and inland areas. These establishments include fisheries biological research stations, fisheries technological laboratories and other research centres located across the country.

In order to assist in fishery management, the government has set up the Fisheries Prices Support Board, the Canadian Saltfish Corporation, and the Freshwater Marketing Corporation, which are Crown corporations reporting to Parliament through the Minister of Fisheries and Oceans.

Canada has cooperated with other nations to conserve high-seas fisheries resources through joint research projects and international agreements and took further action to protect and manage the fisheries in its coastal areas by extending its coastal fisheries jurisdiction to 200 nautical miles, effective January 1, 1977. Several bilateral agreements have been concluded with foreign countries to allow them to continue to fish within Canada's extended jurisdiction for stocks surplus to Canada's harvesting capacity and to provide a smooth transition to the new regime of fisheries management off the Canadian coasts.

- (2) Measures taken to develop or reform existing agrarian systems, in order to achieve the most efficient development and utilization of natural resources;

The policies of Agriculture Canada are aimed at assisting producers to obtain a fair return for their management, capital and labour, while ensuring a supply of high-quality farm products for consumers. In addition, Agriculture Canada promotes the production and merchandizing of agricultural products with market potential.

- (3) Measures taken to improve methods of production and the quantity and quality of food produced, and to increase yield per unit of cultivated land and to improve methods of animal husbandry, including animal health, by making full use of technical and scientific knowledge, in particular:

- (a) promotion of agricultural research, introduction and use of appropriate material, equipment and techniques; and
- (b) measures to disseminate knowledge on the use of such material, equipment and techniques;

In Agriculture Canada, the Research Branch is organized to solve current and anticipated agricultural problems in the different soil and climatic regions of Canada. The Branch's programs are designed to determine optimum conditions of soil and climate for production of specific crops and animals; develop new and improved varieties of plants and animals; reduce losses caused by diseases, insects and weeds; improve management techniques for crop and animal husbandry through biological and engineering studies; and develop new and improved technology for the processing, preservation and utilization of food. This research is carried on at 47 establishments across the country.

Information Services of Agriculture Canada carries out a broad public affairs program to inform Canadians about the policies, programs, research findings and activities of the Department. The Branch disseminates the information through its news media services section (press, radio, television, film and exhibits), through its public services section which answers individual requests for technical information, and through publications covering a wide range of agricultural topics. A list of the publications and copies of free publications are available from the Branch.

- (4) Measures taken to improve and disseminate knowledge regarding methods of food conservation, in particular to reduce crop and post-harvest losses and waste (e.g. through pest control and adequate food storage facilities), and to prevent degradation of resources (e.g. through soil conservation and water management);

Post-management systems are being developed for some of the major pests of agricultural crops. The systems bring together the best aspects of chemical, biological and cultural control methods in an ecologically sound manner. The concept is not aimed at an insect-free environment but rather at keeping pest populations below levels at which they cause economic loss.

Agriculture Canada regulates feeds, fertilizers, pesticides and seeds to ensure they are effective, safe to humans, animals and the environment, and are truthfully represented on the market.

Presale evaluation and postsale inspection and enforcement are the regulatory activities performed to ensure efficacy and safety of about 10 million tonnes of livestock feeds used annually.

Production and use of pedigreed seeds are promoted in cooperation with the provinces and the Canadian Seed Growers' Association. The Department undertakes the production of needed varieties of forage crop seed stocks and carries on field inspection of pedigreed seed crops and the inspection of seed.

Because of the increasing difficulty of the fertilizer industry to meet farm needs, particularly in the spring, the Department maintains a close watch over the supply and transportation of fertilizer during the year.

Pesticides and other control products are regulated by evaluating data on usefulness and safety, by registering acceptable products for marketing, and by inspecting the products in the marketplace.

The aim of the Plant Quarantine Division is to facilitate the production and marketing of agricultural and forest crops by preventing the entry into or spread within Canada of injurious pests. In addition to import and export control measures, the Division also enforces domestic quarantines and operates a seed certification program for potatoes under the authority of the Seeds Act.

- (5) Measures taken to improve food distribution such as improvement of communications between areas of production and food marketing centres, facilitating access to markets, introducing price support and stabilization measures, controlling abusive practices, and assuring minimum supplies to needy groups;

Programs to stabilize production and income in the agricultural sector are major elements of the agricultural policy. There are reasons to expect that this need will be even greater in the future because of the increased variability of prices on international markets. In addition, farmers and fishermen are facing much higher cash outlays for debt service and for purchased inputs such as fuel, fertilizer and equipment. In the future, yield fluctuations will increase as agricultural production is pushed into areas where soil and climatic conditions are less favourable. To help counteract the impacts of such instability on Canadian agriculture, the Government of Canada has improved the Agricultural Stabilization Act and the Crop Insurance Program, and initiated the Western Grains Stabilization Program. Provincial governments have also brought in a number of measures, including their own stabilization or income insurance programs.

The government endorses actions which promote efficient marketing, increased trade and consumption of Canadian food products. In particular, it supports actions which improve market information for producers and consumers, reduce unnecessary duplication of facilities or functions, and reduce the cost of taking commodities from the farm gate and dockside to the retail level. In this regard, the government believes that the market system is one of the best allocative systems available. It also believes there is a role for marketing boards which promote the orderly sale, increased trade and consumption of Canadian food products. For instance, the Agricultural

Products Marketing Act, R.S.C. 1970 c. A-7, and the Farm Products Marketing Agencies Act, S.C. 1970-71-72, c. 65, have been enacted to achieve those policies. Transportation policy is an important element of the overall federal food policy because of the great distances in Canada between the main producing areas and large urban centres, and because it is an important determinant of the location of food processing activities.

The federal and provincial governments have aimed at the development of efficient, fair and orderly marketing of Canadian food products in many ways. Sound grading and inspection have been introduced; information regarding market opportunities at home and abroad is provided on a regular basis; and provincial marketing boards and a limited number of national marketing agencies have been established.

- (6) Measures taken to improve food consumption levels and nutrition, with particular reference to the most vulnerable groups of the population;

As mentioned previously, the government is using and developing its food policies to encourage the food system to provide, on a continuous basis, food and food services in the simplest, most economical and most direct manner and in the most nutritious and useful form to meet the needs and demands of consumers.

Improved nutritional health through improved food consumption patterns is of particular concern to the Government of Canada. Many of the health problems of Canadians such as cardiovascular disease, dental caries, some forms of cancer, metabolic diseases and impaired mental and physical development are associated with nutrition problems. Frequently the nutrition problems represent over-consumption of foods or food components. For example, it is estimated that one out of every three Canadians is overweight as the result of an imbalance between food intake and activity. At the same time, the food supplies available to and/or selected by individuals or vulnerable groups may be inadequate in terms of quantity and quality.

Measures are being taken to improve food consumption levels and nutrition by improving both the quality and quantity of foods available and the ability of Canadians to choose foods wisely. The measures are directed to all Canadians with emphasis on vulnerable groups.

At a national level, the Government of Canada has stated that nutrition is an important and integral part of its food strategy. In documents which arose from the National Food Strategy Conference in 1978, it was indicated that the government was committed to giving nutritional factors full consideration in policies and programs concerned with food production, processing and marketing.

"Nutrition Recommendations for Canadians", which were accepted by the federal and provincial governments in 1977 to promote health and reduce the risks associated with health problems, are a basis for improving the quantity and quality of food available to and consumed by Canadians. The Recommendations are being integrated into education/information programs as well as into other policies and programs of federal and provincial governments.

- (7) Measures taken (including the adoption of food standards) to reduce food adulteration and contamination and to improve the quality and safety of food, at market and storage levels, as well as food hygiene at all levels;

The growing awareness of the importance of good nutrition to the health of Canadians, the introduction of new foods and food additives, and the widespread use of agricultural chemicals have increased the concern about health, safety and quality control. Government programs have been introduced to meet these concerns.

Agriculture Canada regulates grades and quality standards for agricultural commodities and licenses processing establishments (Canada Agricultural Products Standards Act, R.S.C. 1970, c. A-8).

The Department of Health and Welfare and the Department of Agriculture cooperate in the monitoring of the safety of agricultural chemicals that are used to increase yield and decrease waste. Agricultural chemicals proposed for use on food crops, livestock and other foods are reviewed and appraised. Tolerance levels are recommended under the Food and Drugs Act and acceptable uses of chemicals from which no residue is expected are assessed. The continued use of these chemicals are monitored for any health hazards which may result.

Under the authority of the Food and Drugs Act and Regulations, standards for the content, processing and manufacture of foods are maintained. Extensive inspection and testing of food are carried out to protect the Canadian public from hazards associated with contamination, adulteration and unsanitary storage of foods.

Programs are planned and conducted to develop realistic legal standards to protect the consumers of the Canadian food supply. These programs involve research on and toxicological evaluation of food additives, processing, and environmental contaminants as well as the evaluation of the safety of added and natural chemicals in food and the formulation of standards for these chemicals. They also include the development of methodologies to determine the type and extent of microbial hazards, the evaluation of the significance of contamination, and the setting of standards for the microbial quality of the food supply.

Measures to prevent food destruction are contained in the Criminal Code, R.S.C. 1970, c. C-34. For example, setting fire to a crop, whether standing or cut down, is an indictable offence punishable by 14 years of imprisonment (Section 389 (1)(h)). The Code further provides that:

"Every one who wilfully

(a) kills, maims, wounds, poisons or injures cattle, or

(b) places poison in such a position that it may easily be consumed by cattle,

is guilty of an indictable offence and is liable to imprisonment for five years." (Section 400).

(8) Measures taken for dissemination of knowledge of the principles of nutrition.

In Canada, there are many programs and services with a nutrition education component. The services include both public and professional education and originate in many agencies and departments within federal, provincial and municipal governments as well as professional groups, volunteer groups, food industry, and academic institutions. A sample of the main programs and services is provided below.

(a) Department of Agriculture

Agriculture Canada provides advice on food and nutrition to consumers, industries, educators, other federal departments, and to provincial agriculture departments.

Information on the selection, purchase, preparation, preservation, safety and nutritive value of foods is conveyed to household consumers through the Department's press, radio and television services, and publications. Institutional food service managers are kept informed by means of publications and bimonthly bulletins. Much of the information is obtained from experimentation in the Food and Nutrition Services' laboratories.

Through a program of food evaluation, assistance is given in the revision or establishment of food grades and other quality standards. The staff of food consultants also relay consumer viewpoints about agricultural food products to departmental officers, and assist them in assessing the effect of government policy on nutrition and the effect of nutrition programs on the agriculture industry.

(b) Department of Health and Welfare

Health and Welfare Canada carries on nutrition education, research and regulation activities, and disseminates information about nutrition.

A nutritional program manual has been prepared and distributed by the Medical Services Branch of the Department. Mechanisms have been established to ensure a concerted approach directed toward improved nutrition, including dialogue between government, industry and research to improve food quality and availability at reasonable cost.

This department makes every effort to update knowledge on nutrient values of foods. For example, in 1981, the Department concentrated on the development of nutrient charts for the traditional foods of Canada's indigenous peoples.

(c) Federal-Provincial Cooperation

The Federal-Provincial Subcommittee on Nutrition, a subcommittee of the Federal-Provincial Advisory Committee on Health Promotion establishes priorities for action in nutrition programs across Canada. The Subcommittee includes representatives of federal and provincial nutrition services. As a forum for information sharing and joint activities it acts to coordinate nutrition education, information, guidelines and standards. Basic guidelines such as Canada's Food Guide, the Nutrition Recommendations for Canadians, nutrition education concepts are developed and/or accepted through this Subcommittee for implementation nationally. A health promotion strategy for nutrition for pregnant women is in the developmental stages.

All provinces have established nutrition programs. Depending on each province, various departments might be involved (agriculture, education, health, and social services). Detailed information can be found in the provincial part of this report.

(d) Other Activities

The Government of Canada has been actively involved in promoting the Nutrition Recommendations for Canadians through consultations, publications and meetings with other government agencies, professional and voluntary associations and food industry. A mass media campaign for the target group of people 18 to 34 years old has been developed for 1980 to 1983. Supportive nutrition materials such as posters, pamphlets, handbooks, resource kits are in developmental stages. Young children have received particular attention.

A series of 13 half-hour French language films on nutrition produced for television are being shown nationally. Six of these films with appropriate teaching guidelines are being introduced into educational systems. A series of 21 English language public service announcements, produced in 1979, are being shown on many Canadian television stations. A complementary series of four sound filmstrips has been produced for use from kindergarten to grade 3.

A comprehensive review of weight control techniques is underway.

Research funds and contributions for nutrition intervention projects particularly for vulnerable groups, are increasingly available.

- (9) Information on participation in international cooperation, efforts and projects aimed at ensuring the right of everyone to be free from hunger, in particular through an equitable distribution of world food supplies in relation to need, account being taken of the related problems of both food-importing and food-exporting countries;

As mentioned earlier, in the discussion of "International Cooperation" under heading A, international food aid has always been a major component of Canadian aid, accounting for 20 to 25 per cent of total disbursements.

While the government recognizes its responsibility to provide food aid, where possible, its long-term approach to the food problems of deficit countries is to assist them in the expansion of indigenous food production through the funding of multilateral and bilateral aid programs or through the expansion of technical assistance programs.

- (10) Statistical and other available data on the realization of the right to adequate food.

Statistics Canada collects, compiles and publishes statistics on practically every aspect of agricultural activity in Canada, as part of its overall legal obligation to report regularly on economic and social conditions across the country. In cooperation with provincial departments of agriculture, farmers, dealers, and processors, Statistics Canada regularly conducts surveys to compile agricultural statistics. These are analysed and published in periodical reports on crop conditions, crop and livestock estimates, wages of farm labour, prices farmers receive for their products, farm income and expenditure, per capita food consumption, marketing of grains and livestock, dairying, milling and sugar industries, and cold storage holdings. In addition, Statistics Canada provides a telegraphic crop-reporting service on a seasonal basis and conducts a census of agriculture every five years. Details of the statistical reports dealing with agriculture and with the industries processing farm products or serving agriculture are given in a catalogue which is available free from the agency's User Advisory Services Division.

The Markets Information Services Group of Agriculture Canada works cooperatively with other federal and provincial departments and agencies in issuing market reports on a daily, weekly,

monthly, quarterly and annual basis. Statistics are collected from Canadian and international sources. The published information covers marketing of livestock, dairy products, eggs and other poultry products, fruits and vegetables, maple products and honey.

C. Right to adequate clothing

- (1) Principal laws, administrative regulations and collective agreements designed to promote the right to adequate clothing;
- (2) Information on measures taken, including specific programmes, aimed at improving methods of production and distribution of articles of clothing;
- (3) Information on scientific and technical methods used to achieve adequate supply of articles of clothing;
- (4) Information on the extent of participation in international cooperation contributing to the promotion of the right to adequate clothing.

In Canada, clothing is in general, easily available. Canadians have access to large supplies of items of clothing produced in Canada or imported from various countries.

People with lower income may encounter difficulties. However, the general assistance programs mentioned earlier under heading 11A provide for assistance for items of clothing for people who require welfare assistance.

Some provinces exonerate items of clothing from sales taxes. Subsidies are also provided to Canadian clothing industries.

D. Right to housing

The Government of Canada has actively pursued goals to ensure that all Canadians have access to decent, adequate housing at a price they can afford. Initiatives have been taken in key areas within federal jurisdiction through several federal departments and agencies. Since responsibility for housing is shared under Canada's constitution by the federal and provincial governments, many of these initiatives have involved federal-provincial cooperation.

- (1) Principal laws, administrative regulations and collective agreements designed to promote the right to housing, and relevant court decisions, if any;

(a) The National Housing Act

The National Housing Act, R.S.C. 1970, c. N-10, as amended, enables the government to develop policies and programs in the area of housing. Federal legislation in the area of housing dates as far back as 1935 with the adoption of the Dominion Housing Act, passed that year. The scope of the National Housing Act was broadened significantly during the past decade through a series of amendments. For convenience of reference an Office Consolidation of the Act and amendments was made, copy of which will be forwarded to the Secretary-General together with other pertinent documents on housing.

The main purpose of the National Housing Act, as it was first adopted is:

"to promote the construction of new houses, the repair and modernization of existing houses, and the improvement of housing and living conditions".

(b) The Canada Mortgage and Housing Corporation

The Canada Mortgage and Housing Corporation is the principal agent of the government in its pursuit of housing objectives, and in this role the Corporation administers the National Housing Act. It has two main types of operations, both directed to the attainment of the government's housing policy objectives. First are the Corporation's direct mortgage lending and mortgage insurance programs, in the administration of which the Corporation acts primarily as a financial institution, although its role in direct mortgage lending had declined considerably by 1980. Second are operations of a departmental nature. These include the management of government assisted housing programs; the administration of loans, grants, contributions and subsidies; policy advice to government; the provision of professional and technical advice on matters such as inspections, appraisals, architecture, and engineering; and activities related to research, demonstration and housing standards, as well as negotiations with provincial housing agencies.

The Canada Mortgage and Housing Corporation was created in 1946. It was incorporated by the Canada Mortgage and Housing Corporation Act, R.S.C. 1970, C. C-16 (prior to July 1, 1979, the Corporation's name was the "Central Mortgage and Housing Corporation").

(c) The Ministry of State for Urban Affairs

In 1971, the Government of Canada established, by Order-in-Council, the Ministry of State for Urban Affairs.

By 1971, approximately 76% of Canada's population was classified as urban. The Ministry's mandate was to work with other federal

departments to incorporate and integrate urban concerns into federal policies and programs.

During the early seventies, consultative processes were developed by the Ministry among federal departments and through national and tri-level meetings with provincial and local governments.

In 1979, the government decided that concerns on the part of provincial governments as to the expansion of the federal role into matters that constitutionally lie within provincial jurisdiction had to be respected, and the Ministry of State for Urban Affairs was officially disbanded. Responsibility for managing on-going projects to completion was assigned to the Canada Mortgage and Housing Corporation which had a sufficiently broad mandate to encompass federal concerns in urban matters.

(d) The Canadian Human Rights Act

The Canadian Human Rights Act (S.C. 1976-77, c. 33) protects the right to housing by prohibiting discrimination on the basis of race, national or ethnic origin, colour, religion, age, sex, marital status or conviction for which a pardon has been granted, in residential accommodation in areas under federal jurisdiction (Sections 3 and 6).

- (2) Information on measures taken, including specific programmes, subsidies and tax incentives, aimed at expanding housing construction to meet the needs of all categories of the population, particularly low-income families;

Various programs have been developed by the Canada Mortgage and Housing Corporation, under the authority of the National Housing Act, to expand housing construction and meet the housing needs of the population, particularly low-income families.

The following section will give an outline of the main programs: Home Ownership Loans and Loan Insurance, Home Improvement Loans, Insured Loans for Rental Housing, Interest Write-Down for Non-Profit and Cooperative Housing Projects, Provincial and Municipal Housing Assistance, Public Housing Assistance, Rural and Native Housing Program, Residential Rehabilitation Assistance Program, Community Services Contribution Program, home insulation programs, and tax exemption programs.

(a) Home Ownership Loans and Loan Insurance

The National Housing Act authorizes high-ratio loans to builders and prospective home owners for new and existing houses. The loans are made by approved lenders, such as the banks, life insurance and trust and loan companies, who are insured against loss by the Government of Canada. The loans are usually made for

a period of 25 years. Interest is charged at current lender rates.

The maximum loan available is determined by the Canada Mortgage and Housing Corporation and reviewed periodically. Effective January 15, 1980, loans for home-ownership units were increased to 95 per cent of the first \$60,000 of lending value plus 75 per cent of the next \$20,000 and 50 per cent of any remainder. There is no upper limit on the amount which may be borrowed.

Mortgage loans may be repaid through an "equal" payment or a "graduated" payment. In an equal payment mortgage, the monthly payments of principal and interest remain constant during the mortgage term. In a graduated payment mortgage, the monthly payments start at a low level, gradually increase and then level out. Equal payments mortgages require a minimum down payment of 5 per cent. Graduated payment mortgages require a minimum down payment of 10 per cent but monthly payments of principal and interest start at a lower level.

This form of mortgage was introduced in 1979 by an amendment to the National Housing Act, to ease the burden of mortgage payments during the early years of home ownership, when payments take the larger portion of the home owner's income.

In recent years, the government has reduced its involvement in direct loans allowing the private lenders to handle this need. However, it continues to perform an important role as a mortgage insurer.

In addition, earlier in the seventies, various assisted home ownership programs were introduced for limited periods of time. Assistance provided included a variety of grants and interest reduction loan schemes. High interest rates in 1980 and 1981 created additional hardships for some families who had received assistance under the Assisted Homeownership Program in 1975 and 1976 and whose mortgages were due for renewal. To counteract this problem, the government provided assistance in 1980 (\$750 maximum per year) and in 1981 (\$1,500 maximum per year) to help compensate homeowners for amounts they spent on mortgages and tax payments in excess of 30 per cent of family income.

What does "insured loan" mean?

Most people are unable to pay cash for their home. Therefore the selling price of the house is provided through a cash down payment with the balance being obtained through a loan from a lender such as a bank, trust company or credit union. In return for making the loan, the lender requires some assurance that the money borrowed will be paid back. Normally, this assurance is provided by giving the lender a mortgage on the property, hence the term "mortgage loan". The mortgage is a contract which states that the money borrowed will be repayed at a specified

interest rate over a certain number of years and if payments are not met, that the lender will have the right to acquire the property to recover the money invested.

The Canada Mortgage and Housing Corporation and all lenders approved under the National Housing Act are insured against loss of the loans they make through the operation of a Mortgage Insurance Fund established under the authority of the National Housing Act. For protection by the Mortgage Insurance Fund, a fee is charged which is usually one per cent of loan principal for home ownership. This fee is normally included in the loan amount.

In case of default of payment by the borrower, the lending institution seizes the property from the borrower and is reimbursed through the Mortgage Insurance Fund for losses incurred.

Insurance of this type must not be confused with mortgage life insurance which provides for payment of the outstanding balance in case of death of the mortgagor. Mortgage life insurance, if desired, may be obtained from most life insurance companies or arranged through the lender. It must also not be confused with insurance of home and household goods against loss due to fire and theft, etc.

(b) Home Improvement Loans

The National Housing Act provides authority for chartered banks or approved instalment credit agencies to make loans for home improvement. These loans are guaranteed by Canada Mortgage and Housing Corporation in return for an insurance fee equal to one per cent of the amount of the loan paid by the borrower.

The maximum loan is \$10,000 for each family housing unit and \$4,000 for each hostel unit.

Home improvement loans may be used to cover a wide variety of permanent-type alterations, repairs and additions to permanent residences, including the common areas of condominiums. They may not be used for the improvement of hotels, motels, cottages, or other seasonal accommodation.

Loans are repayable in monthly instalments together with interest within a 25 year period. The rate of interest on home improvement loans can be expected to be at the market level.

(c) Insured Loans for Rental Housing

Long-term loans of up to 90 per cent of the lending value of approved projects are available under section 6 of the National Housing Act to assist in the financing of rental housing projects. Insured loans can be made for rental houses, apartments, hostels and dormitories which comply with local

building and zoning regulations and meet the standards of construction prescribed by the Canada Mortgage and Housing Corporation.

Loans are available for financing most types of rental housing projects: new, existing or conversions of non residential property to rental units.

Existing rental loans are available for purchasing or refinancing units combined with improvements. Projects must have been completed for at least two years to qualify.

Non-residential buildings such as schools and warehouses can be converted to residential uses for rental or ownership, using insured loans. Loans can be made to finance developers' conversion of their own buildings or for acquisition of buildings followed by conversion. When conversion is completed the building must comply with minimum property standards. Loan amounts are calculated on the project's value after conversion.

Effective January 15, 1980, loans for self-contained rental housing units were increased to 90 per cent of the first \$60,000 of lending value plus 75 per cent of the next \$20,000 and 50 per cent of any remainder. There is no upper limit on the amount which may be borrowed.

Like for home ownership loans, two types of repayment patterns are available - equal payment mortgage and graduated payment mortgage. The graduated payment mortgage, available only on new rental accommodation, provides for lower payments in the initial years which gradually increase over time.

(d) Interest Write-Down for Non-Profit and Cooperative Housing Projects

Under the National Housing Act (Section 56.1), insured loans from approved lenders are available for up to 100 per cent of the cost of projects undertaken by continuing non-profit cooperatives and non-profit housing corporations. Maximum federal assistance is equivalent to an interest rate reduction on the loan to two per cent. Federal assistance is applied to reduce shelter payments to the lower range of market rents for the area. A deeper subsidy is available for those requiring rent-to-income scale assistance. Through this program, rental accommodation is provided for low-income people, elderly persons and special groups such as the handicapped. Cooperative and private non-profit sponsor groups are eligible for "start-up" funds to a maximum of \$75,000.

(e) Provincial and Municipal Housing Assistance

Provinces and municipalities may participate together with the Government of Canada in providing low rental housing. This can

be accomplished by using section 56.1 described above where the province or municipality is established as a public non-profit housing corporation, or, as in the past, through public housing.

(f) Public Housing Assistance

The National Housing Act (N.H.A.) authorizes a federal-provincial partnership arrangement for the development of public housing to accommodate low-income families and individuals (section 40). The Government of Canada provides 75 per cent of the capital and the province the remaining 25 per cent. Rents are charged in accordance with tenants' ability to pay. Operating losses are shared by the federal and provincial governments on the same basis as the capital costs.

Public housing has also been provided through a different section of the legislation (section 43 N.H.A.) which allows the Government of Canada to lend a province up to 90 per cent of the cost of the project. Additional subsidies to cover operating losses are shared 50:50 by the federal and provincial governments under a rent supplement program (section 44 N.H.A.). In a similar way the subsidies may be deepened under section 56.1 of the Act where the province has provided assistance to match the federal contribution.

A similar subsidy program can also be applied to units in private rental projects where the landlord agrees to reserve 25 per cent of the units for low-income tenants.

(g) Rural and Native Housing Program

This program is designed to assist families in organizing and carrying out projects to improve their housing conditions in rural and remote areas. Federal support is provided through a variety of grant and loan arrangements for both new construction and the rehabilitation of existing dwellings. More information on this program is provided under heading (4) of the United Nations guidelines dealing with measures taken in rural areas.

(h) Residential Rehabilitation Assistance Program

In designated areas of selected municipalities, loans from the Canada Mortgage and Housing Corporation or approved lenders are available to upgrade homeownership and rental housing. The assistance can also be utilized under the Non-Profit, Cooperative and Rural and Native Housing programs. For homeowners, the maximum loan is \$10,000 of which up to \$3,750 can be forgiven, depending on income. Owners of rental accommodation can qualify for a forgivable loan of up to \$2,500 per unit (\$3,750 for non-profit corporations and cooperatives) from the Canada Mortgage and Housing Corporation.

(i) Community Services Contribution Program

Amendments to the National Housing Act, made in 1979, include the establishment of the Community Services Contribution Program, which provides for federal contributions to be allocated provincially to support municipal expenditures on a range of community services. This program replaced several earlier programs which provided for neighbourhood improvement, sewage and water installations, and grant incentives to municipalities to encourage the construction of modest housing, but was terminated in November 1980. Payments continued on existing projects until March 1982. Some \$400 million have been paid out under the program.

(j) Home Insulation Programs

In 1977, the government introduced the Canadian Home Insulation Program, providing grants of up to \$350 for materials and up to \$150 per dwelling for labour to improve insulation. In Nova Scotia and Prince Edward Island, a similar program, the Home Insulation Program, provides higher grants reflecting higher energy cost burdens. The grants are made available to owners, landlords and tenants.

The primary target was to reduce consumption of energy by as much as 25 per cent in existing dwellings. At the same time, the grants would allow households to significantly reduce their expenditures on home heating and help keep housing costs in line with people's ability to pay for their housing.

During 1981, 349,000 applications were received under the Canadian Home Insulation Program resulting in grants totalling \$133 million.

Under the Home Insulation Program, in 1981, 12,500 applications were approved amounting to \$5 million. This program ended in December 1981. Residents of Nova Scotia and Prince Edward Island now use the Canadian Home Insulation Program like other Canadian residents.

(k) Tax Exemption Programs

Under the Income Tax Act, any gain on the disposition of a principal residence is tax exempt.

Under section 146.2 of the Income Tax Act a deduction of up to \$1,000 per annum (with an overall maximum of \$10,000) is allowed in respect of savings set aside in a registered home ownership savings plan to purchase a home.

- (3) Information on the use of scientific and technical knowledge and of international cooperation for developing and improving housing construction, including safety

measures against earthquakes, floods and other natural hazards;

(a) Scientific and Technical Research

Part V of the National Housing Act authorizes the Canada Mortgage and Housing Corporation to undertake and stimulate research in the area of housing. Section 35 of the Act provides that:

"It is the responsibility of the Corporation to cause investigations to be made into housing conditions and the adequacy of existing housing accommodation in Canada or in any part of Canada and to cause steps to be taken for the distribution of information leading to the construction or provision of more adequate and improved housing accommodation and the understanding and adoption of community plans in Canada."

The Corporation provides policy advice on housing and related matters to the responsible Cabinet minister and encourages and supports research in this field. It also communicates the results of this research to the general public, together with other information which contributes to improve public understanding and action in housing and community planning. In carrying out these and related activities in 1981, the Corporation made new commitments totalling \$24.3 million, compared with \$18.8 million in 1980, \$5.9 million in 1979 and \$4.7 million in 1978.

Two new programs - the External Research Program, launched in 1979, and the Housing Technology Incentives Program, introduced late in 1980 - were developed to respond solely to ideas and projects initiated outside the Canada Mortgage and Housing Corporation. The former program is concerned with policy and social issues, the latter with the technical aspects of housing. During 1981, budget provisions for these two programs were increased, and the response to them grew steadily as information about their purposes reached researchers and the housing industry.

(b) Building Standards

(i) National Building Code

The National Building Code of Canada is published by the National Research Council through its Associate Committee on the National Building Code. It is essentially a set of minimum regulations respecting the safety of buildings with reference to public health, fire protection and structural sufficiency. Its primary purpose is the promotion of public safety through the application of appropriate uniform building standards throughout Canada.

As published by the National Research Council, the Code is not a legal document and does not have force of law unless its provisions are enacted by provincial governments or by

municipalities under authority delegated to them by provincial governments. The Code is drafted in such a way that it may be adopted or enacted for legal use by any jurisdictional authority in Canada.

Most provinces have adopted legislation or regulations based on the National Building Code. Some provinces authorize municipalities to adopt their own regulations provided that these meet the requirements of the National Building Code.

The National Building Code is reviewed periodically by the Associate Committee on the National Building Code of the National Research Council. The Committee published the eighth edition of the Code in 1980. The Code has been modified substantially since it was first adopted in 1941. After each modification, the changes are normally incorporated into provincial and municipal by-laws.

The Associate Committee comprises individual experts appointed by the National Research Council. The Committee operates independently but in cooperation with the Council and with the assistance of technical advisors provided by the Council.

The provinces participate in the development of the Code through the Provincial Advisory Committee on the National Building Code which provides advice and represents provincial interests in the process.

In addition to the National Building Code, other code documents have been developed to cover specialized areas. For example, "Building Standards for the Handicaped" contains draft regulations for access to public buildings. These model requirements become effective when the document is adopted as a provincial or municipal by-law or is referenced in whole or in part through such by-laws. Other model code documents published by the Associate Committee on the National Building Code relate to energy conservation in buildings and to plumbing. Additional data on a variety of subjects from climate to fire performance are included in a separate supplement to the Code.

(ii) Residential Standards

Where a mortgage is insured under the National Housing Act, the Canada Mortgage and Housing Corporation is responsible for inspecting the building during construction to ensure that basic standards of materials and construction specifications have been met. Inspections help reduce the risk of faulty construction and make buildings more marketable.

The basic standards required by the Corporation are contained in the Canadian Code for Residential Construction (Residential Standards) 1980, which incorporates Part IX (Housing and Small Buildings) of the National Building Code together with additional standards required by the Corporation.

(iii) Additional Guidelines for Housing Construction

The Canada Mortgage and Housing Corporation has published various brochures which are meant to provide guidelines for builders. "Housing the Handicapped" provides design criteria for the accommodation of handicapped persons within the community. "Housing the Elderly" is an advisory document dealing with desirable standards of housing designed specifically for elderly people. "Safety in the Home" is concerned with some of the hazards commonly found in and around the home. "The Use and Design of Space in the Home" aims at providing design and space criteria that should be considered in the design of dwellings, particularly for smaller houses.

(c) International Cooperation

Canada was the host of Habitat: United Nations Conference on Human Settlements, held in Vancouver in 1976.

According to resolution A/9238, adopted in December 1972, the main purposes of the Conference were:

- to stimulate innovation, serve as a means for the exchange of experience, and ensure the widest possible dissemination of new ideas and technology in the field of human settlements;
- to formulate and make recommendations for an international program in this field which will assist governments;
- to stimulate interest in developing appropriate financial assistance and institutions for human settlements among those making financial resources available and those in a position to use such resources."

Organization for the 1976 conference began in 1973. Preparations were coordinated by the Ministry of State for Urban Affairs and involved most federal departments, a federal-provincial committee and a national committee established by the Ministry of State for Urban Affairs to advise the Minister and provide for public information and participation.

Following up from the Habitat Conference, Canada was involved in various additional activities.

The Ministry of State for Urban Affairs played a key role in the development of the United Nations Audio-Visual Information Centre on Human Settlements (UNAVIC) at the University of British Columbia, for which it also provided financial support (3.55 million dollars). UNAVIC consists of 250 films prepared by 125 countries to illustrate their major human settlement concerns and

ways of dealing with them effectively. This resource material is available for distribution inside and outside Canada for public information and training.

Canada participated in the United Nations Water Conference at Mar del Plata, Argentina, in March 1977, which followed up on a recommendation of the Conference on Human Settlements.

Canada also participated in two major international urban planning and research endeavours organized by the United Nations Economic Commission for Europe in 1977, and it played a lead role in the seminar on Energy and Human Settlements held in Ottawa, Canada in October 1977 under the auspices of that Commission.

(d) Safety measures against earthquakes, floods and other natural hazards

(i) Emergency Planning Canada

Emergency Planning Canada (EPC) came into being in 1974, and evolved out of the former Canada Emergency Measures Organization. The organization reports to the President of the Privy Council, as Minister responsible for emergency planning.

Purpose

Emergency Planning Canada is tasked with the coordination of the emergency planning activities of federal departments, agencies and Crown corporations and between them and provincial governments. As well, EPC is responsible for the coordination of the federal response to emergency situations when these occur in areas of federal responsibility or when a province requests federal assistance until a department is named to assume this responsibility (a "lead department").

EPC regional directors located in each provincial capital maintain ongoing liaison with the federal departments and agencies located in the province and with the provincial government to ensure that federal emergency planning dovetails with that of the provinces and, through the provinces, with that of the municipalities. EPC also assists in a major emergency, monitoring and coordinating federal support, when such support is requested.

EPC promotes emergency preparedness in Canada by providing financial assistance to provinces/territories for approved emergency planning projects. It provides guidance on emergency planning; gives and sponsors training courses in emergency planning for representatives from the public and private sectors involved in the field; participates in international exercises; and sponsors research into various aspects of emergencies. In the wake of a disaster, EPC administers the Disaster Financial Assistance arrangements to provide financial assistance to provinces according to an agreed formula based on population.

Financing and Operation

The Public Information Program produces and distributes material designed to inform Canadians about what to do in specific emergencies, such as earthquakes, floods, and winter power failures; it publishes a quarterly digest of articles related to emergency planning; and it prepares and pre-positions taped radio messages, TV clips and printed material to inform people what to do before, during and after a nuclear attack.

The Training and Education Program provides and sponsors some eighty courses, seminars and conferences annually at the Federal Study Centre in Arnprior, Ontario.

The Research Program sponsors research into many aspects of disasters and awards a post-graduate fellowship, the recipient of which is selected by the Association of Universities and Colleges of Canada.

Under workers' compensation agreements the Government of Canada assumes 75 per cent of the costs involving payments to civilians injured in the course of civil defence duties. Payments are determined by the Workers' Compensation Board of the province concerned.

Joint Emergency Planning Program

In October 1980, the Government of Canada approved a new program for joint emergency planning. Under the Joint Emergency Planning Program the government, in consultation and cooperation with provincial and territorial governments, undertakes or contributes to emergency planning projects that support federal objectives and enhance the national emergency response capability. It was initially funded at an annual rate of \$6 million. Eligibility of projects for federal funding is determined by criteria contained in guidelines for operation and administration of the program.

Disaster Financial Assistance

The Disaster Financial Assistance arrangements were established to help the provincial governments when the costs of dealing with a disaster place an undue burden on the provincial economy. Assistance is based on a formula which relates damage costs to the provincial population.

(ii) Flood Control Measures

A coordinated program of flood damage reduction has been underway since 1975 through federal-provincial agreements. High risk flood areas are designated and publicized to discourage future developments. Flood control measures have been taken in Southwest Ontario and the Fraser Valley (British Columbia) and

several multi-purpose river basin studies are underway. Flood disaster relief is also provided.

The last few years have seen a move toward more integrated, multi-purpose planning for river basin development including areas such as the Mackenzie River (Northwest Territories), the Okanagan (British Columbia) and the Qu'Appelle Valley (Saskatchewan). Ensuring an adequate supply of water for future years has also received attention, including international efforts in collaboration with the United States.

All of these measures are aimed toward long-term protection and enhancement of environmental quality in all parts of Canada.

- (4) Information on measures taken or envisaged to solve the special problems of housing, water supply and sanitary conditions in rural areas;

Measures have been developed to improve conditions of living of people living in rural areas where some of the poorest housing and living conditions remain.

(a) Northern, Native and Rural Housing

Recognizing the great need for improving housing in rural, northern and Native communities, the government has undertaken measures to address these difficult problems.

In 1977, it introduced a new housing policy for on-reserve housing. The new policy combined funding from the Department of Indian Affairs and Northern Development, the Canada Mortgage and Housing Corporation and the Department of Employment and Immigration. The maximum capital grant for new units in 1980-81 was \$22,125 per unit; for major repairs \$6,000 per unit; and for transportation costs on building material up to \$7,000 per unit depending on area and distance. Many problems remain in the delivery of this program, and activity levels have been quite modest. By 1980, it was estimated that to eliminate the on-reserve housing backlog, about 11,073 new homes were required and that about 11,038 existing dwellings required major repairs. However, level of new production was about 2,000 to 2,400 units per year and 3,000 renovations. Steps were subsequently taken to simplify the programs and give more control to Indians.

In addition, a program was developed by the Department of Indian Affairs and Northern Development for off-reserve Native housing outside the territories. Provisions for non-repayable subsidies via second mortgage forgiveness are used to stimulate improvement in housing development. Improvements to this program are presently being considered.

Under the Canada Mortgage and Housing Corporation Rural and Native Housing Program, the government made and achieved a

specific commitment to deliver 50,000 units of rural and native housing between 1976 and 1979. The program provided capital financing for new housing, as well as operating subsidies to offset mortgage payments under cost-sharing arrangements with provinces and rehabilitation assistance for rural housing improvement (see Residential Rehabilitation Assistance Program described under heading (2) h) above). This program operates in the northern territories as well as in the provinces, in communities under 2,500 population. In 1981, the rural and Native housing program was reviewed. Currently, consideration is being given to implementing a revised program policy.

Despite continuing achievements in improving housing conditions in rural and northern areas, the government recognizes that these areas continue to exhibit a much higher incidence of housing problems. Implementation of housing programs in these areas present serious physical and planning difficulties which restrain the rate at which progress could be anticipated.

(b) Water Supply and Sanitary Conditions

About 30 subsidiary agreements concluded between provincial governments and the federal Department of Regional Economic Expansion have major housing and community infrastructure components. Some of these have focussed on water and sewer treatment around major urban areas such as St. John's (Newfoundland), Halifax-Dartmouth (Nova Scotia) and Montréal (Québec). However, the majority were related to the improvement of such services in small centres located in slow-growth regions and in communities facing special development problems. Furthermore, subsidiary agreements have been signed for northern areas of Alberta, Manitoba, Saskatchewan and the Northwest Territories. Some of these activities have been jointly funded under programs of the Department of Regional Economic Expansion, the Department of Indian Affairs and Northern Development and the Canada Mortgage and Housing Corporation. Under the subsidiary agreements, federal commitments of over 500 million dollars on community infrastructure programs between 1974 and 1982 have made a major contribution to upgrading the quality of water and sewer systems in high priority development areas.

The Department of Health and Welfare is responsible for the development of drinking water standards, the development of criteria and standards for purification and sterilization devices for drinking water, research to determine the nature and quantities of trace contaminants in drinking water, monitoring statistical and epidemiological surveys relating to drinking water quality and investigation of ways to remove toxic materials from drinking water. Consultation, coordination of programs and exchange of information with provincial governments and other federal departments is maintained through the Federal-Provincial Working Group on Drinking Water. The Department also provides scientific expertise on health aspects of water related

contaminants to the International Joint Commission (Canada/United States of America) and to international agencies, including the North Atlantic Treaty Organization and the World Health Organization.

Environment Canada is actively involved in water quality and waste management programs. Areas of activity in the last few years have included the formation in 1975 of the Northern Technology Unit in Edmonton, Alberta, and initiatives in water quality management.

The problems of providing water delivery and sewage disposal in northern settlements have seriously impeded the up-grading of housing conditions especially in the Arctic. Responding to these problems, Environment Canada established the Northern Technology Unit as a research and development organization for utility delivery and wastewater management in northern areas. The Unit reviews the application of technologies to northern conditions and carries out demonstration projects. In 1979, the Unit completed two projects on utilities delivery: the "Cold Climate Utilities Delivery Design Manual" which was the basis for a seminar held in Edmonton on the subject, and a new computer program for determining servicing costs in northern communities. In the wastewater management areas, a demonstration project was undertaken in Whitehorse, Yukon, on the biological treatment of wastes as well as an evaluation of existing extended aeration systems in the north.

In order to improve the quality of water supply, Environment Canada has been involved in steps to clean up various polluted waters such as the Great Lakes (Ontario), Lake Winnipeg (Manitoba), and the Fraser River estuary (British Columbia), as well as in the development of regulations and incentives to control wastewater pollution. These measures have generally been implemented in cooperation or partnership with other levels of governments. The Environmental Contaminants Act has also been used as a control device for regulating or banning certain harmful substances.

- (5) Measures taken for the protection of tenants such as rent control and legal guarantees;

Measures to protect the rights of tenants are primarily a matter of provincial jurisdiction. The Government of Canada shares some responsibility for tenants in housing developed through public programs such as public housing, non-profit or cooperative projects. In these cases, rents are regulated under guidelines agreed on by federal and provincial governments. For lower-income families and senior citizens, rents are geared to their incomes. For moderate income tenants rents have been controlled to cover only revenues needed for a project to break-even.

In older projects, where the government provided some other form of assistance, rents are regulated by the Canada Mortgage and Housing Corporation, allowing for controlled rent increases and fixed rates of return. Landlords of these projects must apply to the Corporation for approval of rent increases; this provides an opportunity for the agency to protect the interests of tenants.

- (6) Statistical and other available data on the realization of the right to housing.

Housing statistics are gathered mainly by the Canada Mortgage and Housing Corporation and by Statistics Canada.

The Canada Mortgage and Housing Corporation publishes an annual report called "Canadian Housing Statistics" and monthly supplements to that report. The reports are designed to bring together data related to house building and mortgage lending activity in Canada. Most of the data are derived from the operations of the Corporation, and from publications of Statistics Canada.

Statistics Canada publishes a monthly bulletin (catalogue 64-002) on housing starts and completions in Canada, based on surveys carried out by the Canada Mortgage and Housing Corporation. Statistics Canada publishes an annual report called "Household Facilities and Equipment" based on special surveys of household facilities taken each year. The report provides estimates of cooking facilities, heating facilities, water supply, bathroom facilities, refrigerators, washing machines, vacuum cleaners, sewing machines, telephones, radios, television sets, record players and tape recorders in Canadian homes; tenure and number of rooms per dwelling, size of household, and households with automobiles, garages, overnight camping equipment and snowmobiles. In an appendix to the present report there is a table of statistics on some household characteristics gathered in 1978.

On occasion of the census of the population which is carried on the second year of each decade (1971, 1981, etc.) data are gathered on the size and composition of Canadian households and on housing characteristics such as basic housing distribution by tenure showing information on rooms per dwelling, persons per room, length of occupancy, water supply, sewage disposal, household facilities, etc. Detailed information for the 1971 census can be found in Volume II, parts 1, 3 and 4 of the census reports.

Limited information is also gathered on occasion of partial census carried on at mid term in the decade. Information on dwellings and households can be found in Volume III, reports 93-800 to 93-810, of the 1976 census.

In 1976, on the occasion of Habitat: United Nations Conference on Human Settlements, a document entitled "Human Settlement in

Canada" was issued under the authority of the Minister of State for Urban Affairs. The objective of the report was to provide a factual account of human settlement in Canada, concentrating on the decade 1965-1975. Some abstracts from section 2 of the report (Shelter) are appended to the present report.

Additional data can be found in the various documents published by the Canada Mortgage and Housing Corporation, in its annual reports in particular. A copy of the 1981 report of the Corporation is being sent to the Secretary-General of the United Nations along with the present report.

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

- A. Principal laws, administrative regulations, collective agreements and other types of arrangements designed to promote and safeguard the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and relevant court decisions, if any.

The principal federal laws dealing with physical and mental health are:

- the Hospital Insurance and Diagnostic Services Act, R.S.C. 1970, c. H-8 (effective July 1, 1958);
- the Medical Care Act, R.S.C. 1970, c. M-8 (effective July 1, 1968); and
- the Federal-Provincial Fiscal Arrangements and Established Programs Financing Act, 1977, S.C. 1976-77, c. 10 (effective April 1, 1977).

The Canadian approach to the development of a national health program has been to progressively provide major segments of personal health care on a publicly financed basis to virtually the whole population. This can only be achieved with the cooperation of the provinces, which exercise the primary constitutional prerogative on health matters.

Health insurance is achieved through a series of interlocking provincial plans which qualify the provinces for federal support if they meet the minimum criteria of the federal legislation with respect to: comprehensiveness of insured services covered, universality of population covered, reasonable access to insured services uninhibited by excessive user charges, portability of benefits and non-profit administration by a public agency.

The programs are designed to ensure that all residents of Canada have access to medical and hospital care. The insured services of the Hospital Insurance Program include in-patient care (including necessary drugs, diagnostic tests, etc.), as well as

out-patient services that vary somewhat from province to province. The Medical Care Program covers all medically required services rendered by medical practitioners and certain surgical-dental procedures undertaken by dental surgeons in hospital. All provinces and the two territories are participating in both programs, which provide health insurance coverage for over 99 per cent of the population. Residents not covered under provincial plans (i.e., armed forces, penitentiary prisoners, Royal Canadian Mounted Police) are covered under direct federal programs. The Inuit and status Indians receive medical services directly from the Government of Canada through the Department of National Health and Welfare. Landed immigrants and certain other categories of new residents to Canada can receive first day coverage in all jurisdictions except British Columbia where a waiting period of three months exists.

Because of the constitutional position, the federal health insurance legislation provides each province with considerable leeway in determining a number of important matters, including: the administrative arrangements for the operation of its plan; how its share of the costs will be financed (e.g., through income tax, sales tax, etc.); and whether premiums will be required from residents. Provinces are free to rule on whether services which are not obviously medically necessary are insured services, e.g., cosmetic plastic surgery. Federal legislation only requires that such policies be applied under uniform terms and conditions for all insured persons.

Many other health services are provided by the provinces either through additional benefits provided under the provincial health insurance plans or through other arrangements that are publicly financed. These additional benefits may be either: on a universal basis (e.g., public health services, mental health services, communicable disease control); or on an age-related basis (e.g., dental health plan for children); or according to disease or condition (e.g., drugs for specified chronic diseases); or on a regional basis within a province (e.g., home care services, ambulatory care services); or on an income-related basis.

Other measures related to the protection of health can be found in the Income Tax Act, S.C. 1970-71-72, c. 63, and in the Criminal Code, R.S.C. 1970, c. C-34.

The Income Tax Act provides for either a standard deduction from income of \$100 or a deduction from income of that portion of qualifying medical expenses in excess of three percent of the taxpayer's income for the year paid by the taxpayer within a 12 month period ending in the taxation year (paragraphs 110(1)(c) and (d)). In addition, a disability deduction, which in 1981 was \$1,980, is available to blind persons and persons confined to a bed or a wheelchair who are taxpayers or to taxpayers with such dependants (paragraphs 110(1)(e) and (e.2)).

The Criminal Code offers protection against acts that might endanger the health or life of individuals by making these acts criminal offences. For example, sections 198-202, 204, 226, 228-229, 233-234, 244-246, and 253 offer such protection. These sections deal, among other things, with the faulty administering of surgical and medical treatment, the endangering of a child or of an apprentice or servant's life or health, the wanton or reckless disregard for the lives or safety of other persons, the causing of injuries to other people, the failure to make provision for reasonable assistance in respect of the delivery of a child, and the transmission of a venereal disease.

B. Information on:

- (1) Measures taken to reduce the stillbirth-rate and infant mortality;

Universal hospital and medical care insurance programs ensure that expectant mothers and infants have reasonable access to necessary hospital and medical care. In addition, all provinces have public health services which emphasize preventive care for expectant mothers and infants.

Several provincial governments have made arrangements to transfer obstetrical services from hospitals with small annual case-loads to maternity in-patient facilities in large regional hospitals. The creation of larger obstetrical centres was based on evidence which showed that hospitals with small obstetrical services performed less efficiently and had higher newborn mortality and morbidity rates than the large, better equipped and better staffed centres. In addition, studies showed that evaluation of pregnancies and their classification into various categories of "risk" was advantageous, particularly if the general practitioner referred all high risk pregnancies for consultation to local obstetrical specialists. This type of referral has proved useful in reducing infant mortality and morbidity rates and is currently in operation in several provinces.

In many obstetrical services in large general hospitals, particularly those associated with university medical centres, amniocentesis is made available to high risk mothers in the early stages of pregnancy. Amniocentesis is recommended, according to various standards set up by the obstetrical staff, in cases where there is a high probability of chromosomal or serious genetic defect of the fetus. These cases may be selected on the basis of age, e.g., 35 years or over or in families with a genetic history of a severe disabling hereditary disease. Genetic departments are available in university medical centres across the country and are equipped to do chromosomal studies and measure enzyme levels for a large number of hereditary diseases associated with inborn errors of metabolism. Genetic counselling services are available in many large general hospitals. Considering the above programs, there has been a consistent decrease in infant mortality rates in Canada, since 1944, as shown in the following table.

1947	Infant mortality rates	- 46.2	per 1,000	births
1957	"	- 30.9	"	"
1967	"	- 22.0	"	"
1977	"	- 12.4	"	"
1980	"	- 10.4	"	"

In addition, the stillbirth rates have decreased progressively over the past 30 years, as shown in the table below.

1947	stillbirth rate	- 20.5	per 1,000	live	births
1957	"	- 14.6	"	"	"
1967	"	- 11.5	"	"	"
1976	"	- 7.5	"	"	"
1980	"	- 5.3	"	"	"

Improved standards of living, in addition to improved prenatal services have contributed undoubtedly to this downward trend in stillbirths in fetuses 28 weeks or more gestation.

Perinatal deaths, which include fetal deaths (stillbirths) of 28 or more weeks gestation and infant deaths under one week (7 days) of age, have also declined in the past 30 years, as shown in the table below.

1947	perinatal deaths	- 39.9	per 1,000	births
1957	"	- 31.0	"	"
1967	"	- 24.7	"	"
1977	"	- 13.8	"	"
1980	"	- 10.9	"	"

Maternal deaths - deaths due to delivery and complications of pregnancy, childbirth and the puerperium - also declined during that period as shown in the table below.

1947	maternal deaths	- 15.8	per 10,000	births
1957	"	- 5.4	"	"
1967	"	- 2.4	"	"
1977	"	- 0.5	"	"
1980	"	- 0.8	"	"

(2) Measures taken for the healthy development of children;

(a) Day Care for Children

Through the Canada Assistance Plan, subsidies to families with low and modest incomes for the care of their children in day care facilities can be cost-shared.

The National Day Care Information Center provides information through its newsletter, pamphlets, information kits and Annual Day Care Study. The Center is responsible for responding to enquiries from the public concerning day care. Meetings are held

with all provincial and territorial day care officials at least twice a year. The Center is frequently requested to provide resource people to workshops and seminars sponsored by provincial and municipal authorities. Consultation is given, upon request, in such areas as the development of standards and staff training models.

(b) Adoption of Children

At the request of the provinces, an Adoption Desk was established in the federal Department of National Health and Welfare to provide a coordinating and facilitating service to the provinces and territories in the areas of interprovincial and international adoption placements. Placement of children interprovincially is facilitated through the operation of a central registry and referral service and is facilitated by the publication of a quarterly adoption bulletin. Placement of children internationally is facilitated through coordination of federal activities and liaison at the international level. The Desk works with the provinces and with governments of other countries in the development of international adoption policies and procedures, and in the coordination of placement of children from other countries.

(c) Universal Hospital and Medical Care Insurance Programs

These programs ensure that children have reasonable access to necessary hospital care and care by medical practitioners (both by general practitioners and specialists). Provinces provide additional services particular to children (e.g., dental health programs, child guidance clinics, immunization programs, health education programs) either through the health insurance programs or through other arrangements on a publicly financed basis. These additional services and how they are provided vary from province to province.

Most children are born in hospitals and newborns are examined at or soon after birth to check for the presence of any congenital anomalies or acquired defects. Each newborn receives close scrutiny and care from the medical and nursing staff. Neo-natal screening programs are available to a varying degree in all provinces.

All ten provinces have screening programs for phenylketonuria. Six provinces (Newfoundland, Québec, Ontario, Manitoba, Saskatchewan and Alberta) have neonatal thyroid screening tests for congenital hypothyroidism (T4 Test). The remaining four provinces have this screening program approved in principle and are ready to start this program when provincial budgetary funds become available.

Four provinces (Newfoundland, Québec, Manitoba and Saskatchewan) have mass screening programs for amnioacidurias either in blood

(on the second to fourth day of life) and/or in urine (at the second week of life).

In the course of infancy and early childhood, children whose parents are residents of Canada receive follow-up care under the existing federal-provincial health insurance programs. In most provinces this care is provided by medical practitioners; however, in some provinces the care is provided by nurses and an attendant physician in provincially-supported well-baby clinics. In either setting, prophylactic immunization against common communicable diseases is provided, along with nutritional advice, health education on accident prevention and assessment of growth and development. Abnormalities discovered in these well-baby clinics are referred to local medical practitioners from the well-baby clinics. Problems of mental health are referred to the social service worker in the health clinic and are assessed by the social worker and referred to community mental health clinics as considered necessary. In the case of older children, referrals to child psychiatric specialists are made by the attending physician.

Some provinces have a pre-school entry examination of all school entrants; however, this is not required in all provinces but depends to a great degree on municipal or regional health officers and their desire and ability to develop such an administrative type of health service. Where these pre-school entrance examinations are held, a battery of screening tests on vision, hearing, locomotion and coordination, and mental health are performed. In some school systems, early detection of learning disabilities (dyslexia) may be tested; however, the identification of this problem is found most frequently by the time the child is in his/her second or third year of school. On this basis, referrals are made to the provincial department of education for special education classes for such students in this or other recommended schools. In addition, speech therapy classes for the relatively common problems of speech dysfunction are available in most municipal or large town school systems. Referrals are made on the advice of the teacher to the school nurse for primary assessment and then, as required, to a speech therapist. Such therapists may be made available on a school visiting basis or they may work in an office outside the school building. Physical fitness and/or recreation classes are available in almost all school systems across the country. The quality and quantity of these classes vary considerably; however, more attention has been focused on this subject and more facilities made available in the past decade than previously.

- (3) Measures taken to protect and improve all aspects of environmental and industrial hygiene, to prevent air, land and water pollution, to overcome the adverse effects of urban development and industrialization, etc.;

(a) Protection of the Environment

(i) Department of the Environment

Responsibility for environmental quality and for protection, enhancement and promotion of the wise use of renewable resources was brought together in one department, the Department of the Environment, in 1971, following the Government Organization Act, 1970, R.S.C. 1970, 2nd Supp. c. 14, amended in 1979.

The Department administers the principal laws dealing with environmental matters at the federal level and it coordinates the Federal Environmental Assessment and Review Process instituted in 1973 and amended in 1977.

(ii) Federal Environmental Assessment and Review Process

In 1973, the Minister of the Environment was directed to establish, in cooperation with other ministers, a process to ensure that federal departments and agencies:

- take environmental matters into account throughout the planning and implementation of new projects, programs and activities;
- carry out an environmental assessment for all projects which may have adverse effects on the environment before commitments or irrevocable decisions are made; projects which may have significant effects have to be submitted to the Federal Environmental Assessment and Review Office for formal review; and
- use the results of these assessments in planning, decision-making and other implementation.

The process, established by the Minister of the Environment, through the Interdepartmental Committee on the Environment, is based essentially on the self-assessment approach. Departments and agencies are responsible for assessing the environmental consequences of their own projects and activities or those for which they assume the role of initiator, and deciding on the environmental significance of the anticipated effects.

As early in the planning phase as possible, the initiating department screens all projects for potential adverse environmental effects. One of the following four decisions is possible from this procedure:

- No adverse environmental effects, no action needed;
- Environmental effects are known and are not considered significant. Effects identified can be mitigated through environmental design and conformance to

legislation/regulations. The initiator is responsible for taking the appropriate action but no further reference to the procedures of the Environmental Assessment and Review Process is required.

- The nature and scope of potential adverse environmental effects are not fully known. A more detailed assessment is required to identify environmental consequences and to assess their significance. The initiator therefore prepares or procures an Initial Environmental Evaluation. A review of this evaluation will indicate to the initiator if the previous alternative or the next one should be followed.
- The initiator recognizes that significant environmental effects are involved and requests the Executive Chairman, Federal Environmental Assessment Review Office, to establish a panel to review the project.

If the initiator decides to submit a project for panel review, that project may not proceed until the review is completed and recommendations are made to the Minister of the Environment.

The Panel, established by the Executive Chairman, Federal Environment Assessment and Review Office, issues guidelines for the preparation of an Environmental Impact Statement by the initiator or associated proponent, reviews the Statement, obtains the public response to the Statement and acquires additional information deemed necessary. The Panel then advises the Minister of the Environment on the acceptability (or otherwise) of the residual environmental effects identified.

The Minister of the Environment and the Minister of the initiating department decide on the action to be taken on the report submitted by the Panel. These are implemented by the appropriate ministers and associated proponents.

(iii) Principal Laws

Legislative provisions pertaining to the environment are contained mainly in the following acts:

- the Clean Air Act, S.C. 1971, c. 47
- the Environment Contaminants Act, S.C. 1974-75, c. 72
- the Canada Water Act, R.S.C. 1970, c. 5 (1st supp.)
- the Ocean Dumping Control Act, S.C. 1974-75, c. 55
- the Fisheries Act, R.S.C. 1970, c. F-14

The Clean Air Act

The Clean Air Act provides the basis for the air pollution control activities of the Government of Canada. It has three main objectives. The first and foremost is to protect the health of the public of Canada from air pollution. To this end, regulations are promulgated limiting the emission of hazardous pollutants such as lead, mercury, vinyl chloride, asbestos and arsenic from specific industrial sectors. The second objective is to promote a uniform approach across Canada in the control of other pollutants. To achieve this and to provide appropriate leadership by the Government of Canada, the Act enables the issuance of industrial sector guidelines aimed at preventing so-called "pollution havens", a matter that is of great concern to both federal and provincial authorities. The third objective is to make provision for the mechanisms and institutions needed to ensure that all measures to control air pollution can be taken. Of major significance is the recognition that provinces have a direct responsibility in controlling air pollution and that joint cooperative efforts between provincial and federal authorities are required. To this end, the Act enables the Government of Canada to enter into agreements with individual provinces and allows the establishment of arrangements for the implementation of regulations made under the Act; the Act also provides for direct action by the Government of Canada when this is necessary.

The Environmental Contaminants Act

The Environmental Contaminants Act was developed as a result of world-wide concern over the carcinogenic effects of polychlorinated biphenyls (PCBs) in the environment. Canada supported the measures proposed by the Organization for Economic Development and Cooperation in 1973, and this act was passed in 1975.

The Act gives power to the Government of Canada to gather information on substances that may be contaminating the environment, regardless of source, use, product or medium (such as water or air), and to apply appropriate controls over the substance if other legislative authority (federal or provincial) does not exist or is not used.

Its information-gathering aspect is comprehensive. No one is exempt from the operation of the Act, which attempts to cover all means of entry of the substance into the environment, where the substance is manufactured, in what ways it is used, and how it is disposed of.

The Act is the joint responsibility of the Department of the Environment and the Department of National Health and Welfare.

The Canada Water Act

The Canada Water Act provides the framework for joint federal-provincial management of Canada's water resources.

Part II (Water Quality Management) envisages federal-provincial agreements where water quality has become a matter of urgent national concern. This part permits the establishment of joint federal-provincial incorporated agencies (although existing federal and provincial corporations might alternatively be used) to plan and implement approved water quality management programs.

If this cooperation cannot be achieved, then the Act provides, subject to certain conditions, for unilateral action by the Government of Canada.

PART III (Regulating Nutrient Inputs) provides for the passing of regulations banning the manufacture or import for use or sale in Canada of any cleaning agent or water conditioner that contains a prescribed nutrient in a greater concentration than that prescribed by regulations. By providing for regulations to control phosphates in detergents, the Act provides one of the principal means of reducing the rate of eutrophication of water bodies.

The Ocean Dumping Control Act

The Ocean Dumping Control Act was passed in order to enable Canada to fulfil its obligations under the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter of 1972.

The Act applies to loading for dumping, packaging for dumping, and dumping from any ship, aircraft, platform, or other man-made structure in:

- (a) the territorial seas of Canada;
- (b) the internal waters of Canada other than inland waters;
- (c) fishing zones;
- (d) Arctic waters (including on ice), and
- (e) to any Canadian vessel anywhere in the world.

The Act prohibits the dumping of certain particularly hazardous substances listed in its Schedule I, except as prescribed in section 9(5) of the Act. It also identifies a list of substances which deserve special attention (Schedule II). Schedule III outlines the general factors to be taken into account in granting all permits.

As an emergency provision, the Act allows ocean dumping to occur without a permit in cases where this action is necessary to avert danger to human life at sea or to any ship or aircraft. However, a report to an inspector of such an occurrence must follow forthwith and must include all information as may be prescribed.

Excluded from control under this legislation are:

- (a) any disposal incidental to or derived from the normal operations of a ship or an aircraft or of any equipment thereof, and
- (b) any discharge incidental to or derived from the exploration for, exploitation of, and associated off-shore processing of seabed mineral resources.

These activities, however, are subject to other acts of Parliament such as the Canada Shipping Act and the Oil and Gas Production and Conservation Act.

The Fisheries Act

Section 33 of the Fisheries Act prohibits the deposit of deleterious substances in water frequented by fish or in any place under any conditions where such deleterious substance or any other deleterious substance that results from the deposit of such deleterious substance may enter any such water.

(iv) Other Pertinent Legislation

Here is a brief account of other legislative enactments which may be used for the protection of the environment.

The Atomic Energy Control Act, R.S.C. 1970, c. A-19, establishes the Atomic Energy Control Board, which is empowered with the licensing of production, application and use of atomic energy. Licenses may contain any provisions which the Board feels are required for environmental protection. The Board reports to the Minister of Energy, Mines and Resources.

The Canada Shipping Act is administered by Transport Canada and relates to all aspects of shipping. Part XX of the Act applies to marine pollution from vessels (except in Arctic waters where the Arctic Waters Pollution Prevention Act applies), and the powers of the Act extend to 320 nautical kilometres (200 nautical miles) offshore.

The National Energy Board Act, R.S.C. 1970, c. N-6, provides for the establishment of the National Energy Board. Under Part III of the Act, the Board is empowered to issue certificates of public convenience and necessity for the construction and operation of inter-provincial pipelines. These certificates and approvals may contain conditions relating to environmental protection. The Board reports to the Minister of Energy, Mines and Resources.

The Oil and Gas Production and Conservation Act, R.S.C. 1970, c. O-4, is administered by the Department of Energy, Mines and Resources in Hudson Bay and Hudson Strait, and by the Department

of Indian Affairs and Northern Development for the remaining area north of the 60° parallel. The Act provides for the control of oil and gas exploration and development, both onshore and offshore, including pollution prevention.

(v) Situation in the North

In the North, although the territorial governments play an important role (e.g., because of their responsibility for management of game, excluding the habitat), almost total responsibility for environmental management rests with the Government of Canada. Various federal departments are involved, with Indian Affairs and Northern Development, Environment, Fisheries and Oceans, Energy, Mines and Resources, and Transport Canada being the main ones; the Department of Indian Affairs and Northern Development is the lead agency by virtue of the Department of Indian Affairs and Northern Development Act, which gives the Minister of Indian Affairs and Northern Development responsibility for control, management and administration of essentially all (98%) public lands, and for coordinating federal activities in the North.

The Arctic Waters Pollution Prevention Act, R.S.C. 1970, 1st Supp. c. 2, prohibits unauthorized deposits of waste into Arctic waters or on any land where such waste may enter Arctic waters. Regulations pursuant to the Act prescribe limits of liability for unauthorized deposits of waste, design requirements for vessels operating in Arctic waters, and provide for the establishment of shipping safety control zones.

The Northern Inland Waters Act, R.S.C. 1970, c. 28 (1st Supp.) applies to all inland waters in the Yukon and the Northwest Territories, and provides for the conservation, development and utilization of these waters. Water use is regulated through a water licensing system, and licenses may contain conditions relating to environmental management.

The Northwest Territories

The Northwest Territories Act, R.S.C. 1970, c. N-22, gives the power to the Commissioner of the Northwest Territories to legislate and control certain activities in the Territories. In the case of environmental management, the activities which are controlled by the Commissioner may be regulated by various ordinances, including those discussed below.

Under the Area Development Ordinance the Commissioner may designate as a development area in the Territories any area where he considers it will be necessary, in the public interest, to regulate development. Regulations may be made pursuant to this ordinance prescribing conditions under which development may take place.

This Commissioner's Land Ordinance gives the Commissioner the authority to dispose of lands which have been transferred to the control of the Government of the Northwest Territories. Conditions may be attached to any disposition.

The Environmental Protection Ordinance prohibits the discharge of contaminants in the environment. For the purpose of the Ordinance, "environment" includes land, water, air and all plant and animal life.

The Forest Protection Ordinance includes provision for protection of forest resources through controlling the use of fire in forested areas and eliminating hazardous accumulations of forest fuels. The Ordinance is administered by the Department of Indian Affairs and Northern Development.

The Pesticides Ordinance requires that a permit be obtained to apply any pesticide in the Northwest Territories.

The Petroleum Products Ordinance and subsequent Regulations control the transportation, handling and storage of petroleum products. Conditions for proper dyking of storage facilities may be included.

Under the Public Health Ordinance, conditions for sewage disposal and drinking water quality for the protection of human health are controlled. Administration is handled by the territorial government and the federal Department of Health and Welfare.

The Yukon Territory

The Yukon Act, R.S.C. 1970, c. Y-2, gives the power to the Commissioner of the Yukon Territory to legislate and control certain activities in the Yukon. In the case of environmental management, the activities which are controlled by the Commissioner may be regulated by various ordinances including the following.

Under the Area Development Ordinance, the Commissioner may designate as a development area any area where he feels it is in the public interest to regulate development. Conditions may be applied to any development within such an area. The Ordinance does not apply to federal Crown lands.

The Forest Protection Ordinance includes provision for protection of forest resources through controlling the use of fire in forested areas and eliminating hazardous accumulations of forest fuels. The Ordinance is administered by the Department of Indian Affairs and Northern Development.

The Gasoline Handling Ordinance may be used to apply conditions to the handling, transportation and storage of gasoline or other related petroleum products.

Under the Lands Ordinance, the Commissioner may dispose of any lands over which he has control by sale, lease or easement, and attach such terms and conditions to any disposition as he deems appropriate. The Commissioner may also withdraw any lands from disposition under this ordinance, and designate the most desirable use for such lands.

Conditions for sewage disposal and drinking water quality for the protection of human health are provided for by the Public Health Ordinance.

(b) Industrial Hygiene

Under the Hazardous Products Act, R.S.C. 1970, c. H-3 and the Pest Control Products Act, R.S.C. 1970, c. P-10, especially dangerous chemical products may be controlled by an outright ban, by regulations limiting the uses of the product, or by requirements for special packaging, precautionary labelling and adequate directions for use.

Current efforts are directed towards the development of animal tests which permit the identification of potential health hazards which may result from exposure to chemical products, and the assessment of the probable risk to human beings. Specific tasks involve identifying the possible risk hazards of fire retardants used on clothing, of furniture and building products derived from synthetic polymers of plastics, and of solvent exposure in the home environment from the use of paint removers and rug and furniture shampoos. In addition, consumer products will be surveyed for the presence of possible carcinogens, mutagens and teratogens.

Long-term objectives are: (1) to identify and evaluate the environmental contaminants; (2) to assess the risk to health posed by contaminants in the environment; (3) to reduce human beings exposure to potentially harmful contaminants found in the environment; (4) to improve communications and exchange of information with other national governments and international agencies concerned with environmental contaminants. Achievements include the activities of the evaluation units with respect to reviewing submissions, preparing reports, criteria documents and toxifiles as well as the evaluation of submissions for new and existing chemicals as required under the Environmental Contaminants Act. Research activities, both intra and extramural, have helped to define the toxic potential of environmental chemicals such as monoethylhexyl phthalate, photomirex, and polychlorinated guaiacols. Environmental chemicals are being tested for mutagenicity and test protocol systems are being developed for assessing mutagenic potential.

Activities in occupational health were expended significantly during recent years. One thrust of the program focuses on the health status of workers in specific occupations in an attempt to

assess the risks associated with dusts and chemicals that they encounter in the workplace. For this purpose the Department of Health and Welfare is equipped with a mobile laboratory which can be taken to work premises in order to conduct health examinations, blood and urine tests, and to measure respiratory function. Such field surveys have already been undertaken on workers from factories where vinyl asbestos tiles are manufactured and on workers in the steel and textile industries. In addition, laboratory animals are being exposed to chemicals encountered in the workplace in an effort to discover unrecognized chemical hazards which may be presented to workers. Advice and consultation on occupational health matters are provided to other government departments (federal and provincial) as well as to employers, labour unions and the general public on request.

Investigations are conducted on the levels of natural and man-made radioactivity in the environment which affects humans. From these studies, the potential health effect on the population is assessed and criteria for regulatory control are recommended. The promotion of safe practices in the use of radioactive materials is undertaken to keep radiation exposure of workers and the public to a minimum. A series of safety codes and information bulletins have been produced covering various specific uses of radioisotopes. Specific advice and recommendations to protect health and safety are provided to the regulatory authority (Atomic Energy Control Board) for special uses of radioisotopes. In addition, selected classes of new devices and consumer products utilizing radioactive material are examined for radiological safety.

The causes of radiation overexposure recorded on personnel dosimeters worn by users of radioisotopes are investigated. The results are used to evaluate the exposure actually received by the worker and to recommend corrective action.

In-depth health physics studies of selected uses of radioisotopes are undertaken to evaluate existing health and safety practices. A major current concern is industrial radiography, for which large amounts of potentially-dangerous radioisotopes are used. Other areas in which large amounts of unsealed sources of radioactive materials are used include the well-logging industry and hospitals. Based on these studies, recommendations to reduce unnecessary exposure to the workers and the public may be formulated.

The potential hazard associated with devices which emit non-ionizing radiations such as lasers, microwaves, noise, ultrasound and ultraviolet radiations are of concern to the federal Department of Health and Welfare. After health criteria have been developed, controls are applied by implementing regulations under the Radiation Emitting Devices Act, R.S.C. 1970 C. 34 (1st Suppl). Regulations for microwave ovens, laser scanners and demonstration laser devices are now in force; those for

ultraviolet sunlamps, ultraviolet dental polymerizers, microwave blood warmers, microwave diathermy units and ultra-sound diathermy units are in various stages of development.

Criteria documents, summarizing and evaluating the known information on health effects of non-ionizing radiations are in preparation. Safety codes relating to the installation and use of various radiation devices are being prepared for reference under the Canada Labour Code. The safety codes for active metal detectors and demonstration lasers have already been published and others for microwave devices and sunlamps are in preparation.

A major current concern is to establish health standards for noise environments and to develop a control strategy for reducing adverse effects.

Regulations governing television receivers, dental X-ray equipment, baggage inspection X-ray devices, demonstration gas discharge tubes, and photofluorographic X-ray devices have recently been promulgated, and regulations governing electron microscopes, X-ray diffraction units, diagnostic X-ray equipment and X-ray therapeutic X-ray devices are under consideration. Safety codes for non-medical X-ray equipment and therapy X-ray equipment have been published. Codes for diagnostic X-ray equipment, baggage inspection X-ray equipment, X-ray diffraction units, electron microscopes, and demonstration-type gas discharge devices are in preparation.

Dosimetry services are provided to employers whose workers are likely to receive radiation exposures of health significance.

Most subscribers are registered under the Film Monitoring Service. This provides dosimeter films on a three-month wearing schedule. Special dosimeters are issued on a semi-monthly or monthly wearing schedule to selected groups registered under the Thermoluminescence Dosimetry (TLD) and the Neutron Dosimetry Services. In all cases, the employer receives a complete report on the radiation dose received by his employees after each wearing period. The report contains not only the exposure in the current period, but also the cumulative dose values by quarter, year and lifetime total.

- (4) Comprehensive schemes and specific measures, including vaccination programmes to prevent, treat and control epidemic, endemic, occupational and other diseases and accidents in urban and rural areas;

In addition to the individual preventive and treatment services covered by the universal health insurance programs, all provinces have comprehensive public health services programs (e.g., health units, city health departments) which provide immunization services, education, and enforce control measures with respect to

communicable diseases. These public health services are also active in the field of health education, including accident prevention. All provinces have workers compensation programs which provide hospital and medical benefits in respect of occupational injury or illness.

On November 25, 1978, the National Advisory Committee on Immunization recommended an immunization schedule against infectious diseases. All provinces have accepted and are using this schedule in their programs. This schedule replaced a variety of different schedules which had been used, making control and comparison difficult between various provinces.

There continues to be pockets of acute infectious preventable diseases in certain localized districts. But all efforts are made to control the situation.

Disease surveillance is maintained nationally in order to deal with infection spread by international travel, and also to assist the provinces in control measures which are facilitated through cooperative and standardized approaches. This surveillance involves the systematic recording and epidemiological analysis of disease incidence, vaccination coverage of the population, and measurement of immune status. Disease incidence is measured largely through notifications or reports of disease which physicians are required to make on a routine basis to public health authorities as well as by the examination of the number of positive tests recorded by laboratories on blood and other biological specimens taken from the patient as part of diagnostic work-up. Vaccination coverage is measured by special surveys or by the screening of selected populations such as school entrants for their history of previous immunization while immune status is measured by obtaining blood specimen from selected population samples and analysing antibody levels.

The changing spectrum of causative agents of infectious diseases, their spread, and strategies for their control are studied and identified. These studies entail the use of an integrated collaborative network from the hospital to the national reference centre level. The National Reference Centres under the auspices of National Health and Welfare provide expert and uniform diagnostic services as well as training in microbial diagnosis.

- (5) Comprehensive plans and specific measures to assure to all age groups and all other categories of the population, including in particular in rural areas, adequate health services including adequate medical attention in the event of sickness or accident;

The Canadian approach to health insurance programs was explained above under heading A. These programs may include specific

measures at the discretion of the individual provinces to ensure that adequate services are provided in rural areas. The provinces are primarily responsible for ensuring that adequate health services are available for their residents.

However, as explained earlier, the Government of Canada has assumed direct responsibilities in the provision of health care to the Indian and Inuit population. These people reside mainly in remote communities.

- (6) Main features of existing arrangements for the provision of medical care and methods of financing them.

Originally, Canada's contribution to the provinces and territories in respect of their hospital and medical care insurance plans, described under heading A above, was based upon the cost of insured services incurred by the provinces, with the Government of Canada reimbursing the provinces approximately 50 per cent of the cost of insured services. Since April 1, 1977, federal contributions to the established programs of hospital insurance, medical care and post-secondary education are no longer directly related to provincial costs but take the form of the transfer to the provinces of tax room and associated equalization, and cash payments. The total federal contributions are now, in general terms, based on the current escalated value of the 1975-76 federal contributions for the three programs.

The tax room vacated by the Government of Canada permitted the provinces to increase their tax rates so as to collect additional revenue without necessarily increasing the total tax burden on Canadians. The cash payments are conditional upon the provincial health insurance plans meeting the criteria of the federal health insurance legislation respecting comprehensiveness of insured services, universality, accessibility, portability and public administration. It was intended, at the outset, that the cash payments would approximate the value of the tax room transferred. These cash payments, which are in the form of per capita payments, are being escalated yearly in accordance with changes in the Gross National Product, and adjusted gradually over time so that all provinces at the end of five years will be receiving equal per capita cash contributions.

Since April 1, 1977, the Government of Canada is also making an additional per capita cash contribution to the provinces to contribute towards the cost of certain extended health care services. These services are: nursing home intermediate care, adult residential care, converted mental hospitals, health aspects of home care and ambulatory health care services. Details of the new financing arrangements can be found in Part VI of the Federal-Provincial Fiscal Arrangements and Established Programs Financing Act, 1977.

At the provincial and territorial level, various methods of financing are used (e.g., general revenues, or a combination of general revenues and some other source of revenue such as premiums, sales tax or a specially designated tax).

- C. Statistical and other available data on the realization of the right to health, in particular, statistics on infant mortality, number of doctors per inhabitant, number of hospitals and hospital beds, etc.

Statistical information on the general mortality rate, on infant mortality, on the number of doctors per inhabitant, and on the number of hospitals and hospital beds is provided below. Statistical information on these subjects is also provided in an appendix to this report.

Mortality rate

An analysis of the death rate during the period 1921 to 1977 done by Statistics Canada indicates that the standardized (age-adjusted) death rate in Canada has consistently declined during that period from 12.9 per thousand population in 1921 to 6.3 per thousand population in 1977.

Infant mortality

During the same period infant deaths declined from 102.1 per thousand live births in 1921 to 12.4 in 1977.

In 1980, the death rate of infants under one year had further declined to 10.4 per thousand live births. The rate of perinatal deaths (i.e., foetal deaths of 28 or more week's gestation plus infant death under 7 days (1 week) of age was 10.9 per thousand total births, and the rate of neonatal deaths (i.e., deaths under 28 days of age) was 6.7 per thousand live births. The rate of post-neonatal deaths (i.e., deaths between four weeks and one year of age) was 3.8 per thousand live births.

Number of doctors per inhabitant

According to the Canada Health Manpower Inventory compiled by the Department of National Health and Welfare the ratio physicians/inhabitants was one physician per 544 inhabitants in 1980. In 1970 the number of inhabitants per physician was 689. Between the period 1970 to 1980 the number of physicians increased from 31,166 to 44,275.

Number of hospitals and hospital beds

In 1981, there were 1,288 hospitals in Canada with a total of 186,160 beds.

3. IMPLEMENTATION OF ARTICLES 10-12 WITHIN THE CANADIAN FORCES

ARTICLE 10: THE FAMILY

The Canadian Forces Social Development Services is charged with developing and implementing activities related to the prevention or resolution of social problems among Canadian Forces members and their families. Canadian Forces Administrative Order 56-15 contains this policy. Programs offered under this order are oriented towards the enhancement of individuals and of family life.

Canadian Forces Administrative Order 54-5 states that education facilities are to be provided for children of Canadian Forces members who reside at or near a defence establishment. Children requiring special education are also covered by Canadian Forces Administrative Orders 54-1 and 54-3.

The Canadian Forces authorities do not interfere with a member's decision regarding marriage. However, for reasons related to security and immigration, a member will, in some cases, be required to request permission from his/her commanding officer to marry. This requirement applies when a service member intends to marry a person who is not a Canadian citizen outside Canada.

According to Canadian Forces Administrative Order 56-29, female members of the Canadian Forces either during or after pregnancy are provided special protection through medical counselling and leave programs.

The Canadian Forces treat all dependent children equally regardless of parentage.

ARTICLE 11: STANDARD OF LIVING AND NUTRITION

The Canadian Forces provides the initial military uniform and a subsequent monthly clothing allowance for uniform upkeep. Adequate housing facilities are provided, in isolated areas, for members and their dependents. Although some married people's quarters are made available to members in some areas, the choice of living accommodation is left to the member's decision.

Canadian Forces Administrative Order 65-2 prescribes the organization and standards of service dining rooms, including service and amenities (Annex A) and menu patterns (Annex B). Following these menu patterns should ensure that personnel are fed according to Canadian nutritional standards established by Health and Welfare Canada. The types and quantities of foods to be served are provided in accordance with the Canadian Forces Ration Scale.

To ensure that food is served in safe surroundings, hygiene and sanitation standards for food services outlets and employees are set out in Canadian Forces Administrative Order 34-13.

ARTICLE 12: HEALTH AND MEDICAL STANDARDS

The Canadian Forces Medical Services are involved in the delivery and early care of children only in certain isolated areas. Specialist physicians are trained in civilian facilities to civilian standards and care is provided in this area consistent with that provided to all other Canadians.

The Canadian Forces Medical Services has a comprehensive program in the area of environmental and industrial health. This program and the responsibilities of the personnel involved are outlined in Canadian Forces Medical Order 3-05. The program sets a high standard of hygiene and is constantly reviewed and updated. Civilian standards are either equalled or exceeded.

The prevention, treatment and control of epidemic, endemic and occupational diseases is an emphasized program within the Canadian Forces Medical Services. Canadian Forces Medical Orders 3-05, 37-01 and 34-23 outline the responsibilities of personnel and policy in regard to immunization and occupational health. Here, too, civilian standards are equalled or exceeded. Policy in regard to both immunization and occupational health is currently under review with a view to upgrading both.

The Canadian Forces Medical Services encompasses a wide variety of health professionals whose purpose remains that of ensuring that quality medical service is consistently available to Canadian Forces members. Numerous safeguards exist to ensure the foregoing. Principal in this regard is the requirement that professional training and licensure of doctors, nurses, pharmacists, and so on, within the Canadian Forces Medical Services be on a par with civilian counterparts providing similar peacetime services to the general Canadian population. Continuing education programs exist at every level to further ensure that these skills are maintained, expanded in terms of military medical knowledge, and then applied to meet the needs of Canadian Forces personnel within the wide variety of circumstances inherent to military service.

Articles 34.011 and 34.07 of the Queen's Regulations and Orders for the Canadian Forces outline the responsibilities of medical officers and patient entitlement to medical care respectively. In general terms, a comprehensive approach is taken by the Canadian Forces Medical Services to ensure that conditions do exist whereby members of the Canadian Forces are provided with medical care that is commensurate with both group and individual needs.

PART III: MEASURES ADOPTED BY THE PROVINCES

1. ALBERTA¹

INTRODUCTION

The province of Alberta is known as a common law jurisdiction. This means that not all of the laws in this jurisdiction have been codified into statutes, acts, codes, or other legislation by our legislature. Much of the substantive law of this province consist of what may be termed customary or traditional law whose origins are historically English but which has been adapted to the particular circumstances of this jurisdiction. The courts are responsible for elaboration, interpretation and application of this law as particular cases are brought before them.

When our legislature does enact a law by means of a statute, that law has priority over and replaces the existing common law; however, this statute is subject to interpretation by the courts and therefore statute law creates a type of "common law" of its own.

It should be borne in mind that this document is based on statute law and regulations thereunder and should not be seen as an exhaustive review of all the law in Alberta relevant to Articles 10 through 12 inclusive, of the International Covenant on Economic, Social and Cultural Rights. To include all the relevant common law or even an elaboration of the major cases would be prohibitive both in terms of length and time.

The use of "court(s)" refers interchangeably to the Court of Queen's Bench of Alberta, being the superior court of civil and criminal jurisdiction in this province, together with the Family Court of Alberta, the Juvenile Court of Alberta and the Provincial Court of Alberta. Reference may be made to the particular statute to determine the court with jurisdiction.

Section 1 of The Alberta Bill of Rights provides for the right of each individual to equality before the law and protection of the law without discrimination by reason of race, national origin, colour, religion or sex. Section 2 of the same statute states that unless expressly stated all statutes in Alberta should be construed and applied so as not to abrogate this right. Therefore, generally speaking, all statutory provisions elaborated upon below are applicable to all Albertans without discrimination.

Further, these rights and remedies are available to all residents of Alberta regardless of legal citizenship. Some of the rights and remedies provided by Alberta statutes are available to

1. Report prepared by the Government of Alberta.

residents of other jurisdictions. These are the statutes dealing with the recognition, registration and giving effect in this province to judgments and orders of these jurisdictions.

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

- (1) Principal laws, administrative regulations and collective agreements designed to promote protection of the family, and relevant court decisions, if any;

Generally legislation in Alberta does not treat the family as a unit which must be protected from threats or interference from outside the family, but deals with the integrity of the unit itself. As a result, statute law in Alberta deals extensively with the legal rights and obligations of family members vis-à-vis each other. The family unit is thereby strengthened and protected from within. Enforcement of these rights and obligations is generally by means of application by the aggrieved family members, or in certain circumstances by the appropriate provincial agency responsible, to the courts.

The decisions made by the courts are based upon the following legislation:

The Domestic Relations Act (Appendix A-1)²

This legislation recognizes that instances may arise where one spouse, alone or in concert with another person, choses not to recognize his or her matrimonial obligations or commits a matrimonial offence. The integrity of the family is protected by this Act which provides recourse and remedies to the aggrieved spouse. In effect this demonstrates our society's desire that transgressions from family responsibilities will not be condoned. (Appendix B-1)

The Dower Act (Appendix A-2)

This legislation recognizes that a spouse has certain rights with respect to the real property owned solely by the other spouse but which is occupied by the family as its residence. This property is defined in the Act as "the Homestead." (Appendix B-2)

The Matrimonial Property Act (Appendix A-3)

It is submitted that this statute, although operative after the break-up of a family, nonetheless strengthens and protects the

2. The appendices mentioned in this section refer to documents sent to the Secretary-General of the United Nations with the report but not reproduced in the report.

respect due to the family by providing an orderly and certain manner of distribution of matrimonial property.

This statute provides for the distribution of matrimonial property between the spouses in the event that a decree of divorce, declaration of nullity, or judgment for judicial separation has been obtained or the spouses are living separate and apart for a certain length of time.

Distribution of the matrimonial property is to be made equally unless it appears to the courts that it would not be just and equitable to do so. (Appendix B-3)

The Alberta Evidence Act (Appendix A-4)

This statute protects communications between spouses made during the course of their marriage. Although spouses of parties to civil actions are competent to give evidence they are not compelled to disclose such communications.

The Seduction Act (Appendix A-5)

In this Act a father, or in the case of his death a mother, of an unmarried female who has been seduced may bring a cause of action for damages against the seducer.

The Maintenance Order Act (Appendix A-6)

This statute expressly provides that a husband is primarily liable for the maintenance of his wife, and vice versa.

Furthermore the father and mother of a child under 16 years of age shall provide maintenance for that child.

In addition the husband, wife, father, mother and children of every old, blind, lame, or mentally deficient person who is not able to work shall provide maintenance for that person.

The Act provides recourse by the individual entitled to maintenance, or by certain municipal and provincial officials, to the courts in the event of refusal or failure to provide maintenance without sufficient cause.

The Reciprocal Enforcement of Maintenance Orders Act (Appendix A-7)

Maintenance orders granted by the courts of other jurisdictions may be registered in Alberta pursuant to the provisions of this statute.

The Act provides that once these orders are registered in Alberta they will have the same effect as orders granted by the Alberta courts and accordingly can be enforced by same.

The Alimony Orders Enforcement Act (Appendix-A-8)

This statute provides the mechanism of enforcement in the event of default of compliance with alimony orders under The Maintenance Orders Act and The Reciprocal Enforcement of Maintenance Orders Act.

This mechanism includes the issuance of a summons to the responsible spouse to appear before a court to be examined as to the reasons why there is a default. A judge is empowered to jail the defaulting spouse if deemed necessary.

The Extra-Provincial Enforcement of Custody Orders Act (Appendix A-9)

This statute provides for registration in Alberta of custody orders of children granted by other jurisdictions. It is similar in effect to The Reciprocal Enforcement of Maintenance Orders Act.

The Wills Act (Appendix A-10)

By virtue of this Act a will is revoked by marriage of the person making the will unless there is a declaration in the will that it is made in contemplation of marriage.

Further, lapse of testamentary devises to family members as a result of the members predeceasing the testator is prevented by provisions giving effect to these devises for the benefit of the family of the deceased beneficiary. Essentially these provisions give recognition and priority to the extended family in testamentary transfer of property.

The Intestate Succession Act (Appendix A-11)

This statute details the priority of distribution of the estate of an individual who dies without a will. Priority is given to spouse and issue; if none exist distribution is among next of kin.

The Family Relief Act (Appendix A-12)

This statute provides recourse to the courts in the event that an individual dies without making adequate provision in his will for proper maintenance and support of his dependants or alternatively, if an individual dies intestate and the intestate's dependants' share under The Intestate Succession Act is similarly inadequate. (Appendix B-4)

The provisions of this Act protect spouses and dependent adult children by ensuring that they are aware of their rights with respect to the estate of the deceased spouse or parent. Similar provisions exist with respect to giving notice to infant children

(See The Administration of Estates Act infra under heading C (3)). (Appendices A-13 and B-5)

The Family Court Act (Appendix A-14)

This statute creates a court of record in Alberta known as the Family Court of Alberta. The jurisdiction of this court is in the area of marital and familial discord. (Appendices B-6 and B-7)

The Child Welfare Act (Appendix A-15)

This statute imposes legal responsibility on parents to protect their children, and establishes criteria upon which the province may intervene in the family to provide protection services to children where the parents have failed to do so. In addition, the statute enables parents to obtain services to assist them in caring for children with special needs. This is intended as a mechanism to strengthen those families with handicapped children, and to prevent the disintegration of the family unit in these circumstances.

The Social Development Act (Appendix A-16)

The Social Development Act provides a mechanism whereby the province provides monetary support to families who are in need of assistance.

In addition, the Act contains a mechanism whereby the province is subrogated to the rights of any recipient of social assistance from his or her spouse. This provision is intended to prevent unnecessary antagonism between separated spouses arising out of the sole fact that one spouse might otherwise have been required to pursue the other spouse for maintenance.

- (2) Guarantees of the right of men and women to enter into marriage with their full and free consent and to establish a family; measures taken to abolish such customs, ancient laws and practices which may affect the freedom of choice of a spouse;

In Alberta, men and women enjoy full freedom of choice of spouse. Several statutes have been enacted to remove certain traditional and historical legal disabilities imposed by the common law on married women:

The Sex Disqualification Removal Act (Appendix A-17)

This statute provides that marriage shall not disqualify a person:

- (a) from the exercise of public function, or

- (b) from being appointed to or holding a civil or judicial office or post, or
- (c) from entering or assuming or carrying on a civil profession or vocation, or
- (d) for admission to an incorporated society.

The Married Women's Act (Appendix A-18)

This statute ensures that a married woman retains the same rights with respect to acquiring, holding and disposing of property as if she were unmarried. The Act also enables the married woman to bring civil suits without the necessity of joining her husband as a co-plaintiff. Conversely a married woman is also capable of being the sole subject of a civil suit by others.

The purpose of this Act is to remove certain common law restrictions on the rights of married women with respect to property and enforcement of same and other rights in the courts.

The Transfer and Descent of Land Act (Appendix A-19)

Similarly this Act removes former common law restrictions on the transfer of land between spouses.

The Marriage Act (Appendix A-20)

The Marriage Act establishes two alternative means of entering a legal marriage:

- (a) a civil marriage performed by a marriage commissioner,
or
- (b) a religious marriage performed by a clergyman.

In either case a marriage licence is required, the issuer of which has the discretion to satisfy himself as to any matters pertaining to the issuance of the licence, including satisfying himself that the parties are free from duress.

- (3) Measures to facilitate the establishment of a family such as subsidies or installation grants, provision of housing and other benefits;

The Alberta Home Mortgage Corporation Act (Appendix A-21) provides the authority for Alberta Home Mortgage Corporation to assist low income families in the purchase of their own homes.

One measure to facilitate the establishment of a family is to provide financial assistance to the low and moderate income families who wish to buy or build their own homes. The Alberta Family Home Purchase Program was developed under the administration of Alberta Home Mortgage Corporation to provide monthly subsidies to families who otherwise may not be qualified for home

ownership. (Families are defined as a married couple with or without dependents or an adult with at least one child.) Under this program, Alberta Home Mortgage Corporation provides loans of up to 95% of the lending value of the house and land, up to a set limit. Subsidies are provided depending on the applicant's income and house payment. The need for a subsidy is reviewed every 30 months. An additional subsidy of \$20.00 per month for a period of 30 months is also available to first-time homeowners who meet program guidelines.

- (4) Measures aimed at maintaining, strengthening and protecting the family, such as family allowances, tax-exemption facilities, child-care institutions, etc.

The Social Development Act (Appendix A-16)

Pertinent sections discussed under Article 10-A-1.

The Child Welfare Act (Appendix A-15)

Under this legislation the province provides a range of child-care institutions for children in both the permanent and temporary care of the province.

The Assured Income for the Severely Handicapped Act (Appendix A-22)

Under this legislation the province provides benefits for the severely handicapped to assist them to live independently within the family unit.

The Preventive Social Services Act (Appendix A-23)

This statute provides for a range of preventive social services, including those aimed at the family, one of which is a subsidy program for day-care services, paid by the province through municipal governments to subsidize day-care placements of families in need.

B. Maternity protection

- (1) Principal laws, administrative regulations and collective agreements governing the various aspects of maternity protection and relevant court decisions, if any;

The Alberta Labour Act, 1973 (Appendix A-24) and The Individual's Rights Protection Act (Appendix A-25) contain sections which pertain to the protection of the pregnant employee.

Section 33.1 of The Alberta Labour Act, 1973 furnishes the authority for provisions on maternity leave without pay as itemized in the Board of Industrial Relations Order No.71 (1976) (Appendix A-26). This section also specifies that an employer

and an employee have the right to determine conditions more favourable to the employee than those stipulated by legislation.

This legislation is administered by the Labour Standards Branch of the Alberta Department of Labour.

The Board of Industrial Relations Order No.71 (1976), enacted in 1976, applies to maternity leave. In sections 2, 3, and 4 it details the application procedure for leave prior to delivery and for reinstatement after the delivery of the child. The specifics are as follows:

- an employee must have worked for her present employer for at least twelve months to be eligible for unpaid maternity leave,
- leave must not exceed twelve weeks prior to the expected delivery date and six weeks after delivery unless there are medical complications,
- generally, before taking the leave the employee must give the employer two weeks written notice and a medical certificate verifying pregnancy and due date,
- to resume work, an employee must provide the employer with two weeks notice. If the employee wishes to come back to work before the maximum post-delivery leave, she must seek the approval of the employer and provide a medical certificate stating she is fit to work.

The Individual's Rights Protection Act is the responsibility of the Human Rights Commission. Section 6 cites the prohibition against sexual discrimination in an employment situation; this would necessarily disallow discrimination because of pregnancy. This Act thus supports the antidiscrimination sections of The Alberta Labour Act and the Board of Industrial Relations Order No.71 (1976).

The Department of Hospitals and Medical Care is responsible for the administration of The Alberta Health Care Insurance Act (Appendix A-27) and The Alberta Hospitals Act (Appendix A-29). These acts clearly leave intact the individual's responsibility to seek medical care. Nothing in the legislation prevents an individual from dealing with the physician of his choice. Those individuals who object to the principles of the Alberta Health Care Insurance Plan may opt out. Canadian citizenship is not a requirement. Non-nationals, if they meet residency requirements prescribed in The Alberta Health Care Insurance Act and The Alberta Health Care Insurance Regulations (Appendix A-28), have access to the program.

The Alberta Hospitals Act (Appendix A-29) provides for the establishment of hospital districts throughout the province for

building, furnishing and maintenance of hospitals. All hospitals are administered by local boards. The Alberta Hospitalization Benefits Regulations (Appendix A-29a), made by the Lieutenant Governor in Council under authority of the Act provides for comprehensive hospital in-patient and out-patient services available to all persons registered under the Alberta Health Care Insurance Plan, who have not opted out.

Private sector institutions that assist in meeting these health care and hospital needs include the College of Physicians and Surgeons of Alberta and the local district hospital boards referred to above.

Maternity leave clauses are being included in a greater number of collective agreements in Alberta but most of these accept the legislation verbatim. Appendix B-9 shows that 71.1% of all agreements do not contain any provisions regarding maternity leave. Included in this appendix is information on the effect of maternity leave on seniority and the service requirement prerequisite to taking the leave.

Extraneous health benefits have not been recorded in so far as collective agreements in Alberta are concerned.

- (2) Pre-natal and post-natal protection and assistance, including appropriate medical and health care and maternity and other benefits irrespective of marital status;

Board of Industrial Relations Order No.71 (1976) (Appendix A-26) sections 3, 4, 5, and 6 state that a signed medical certificate must be presented with the request for the commencement and extension of leave and for the early resumption of work. The implication is that the employee is under a doctor's care before and after delivery. It also ensures the good health of the employee when returning to work.

Further, section 6 of the Order states that a three-week maximum extension of maternity leave can be garnered "by reason of any medical condition arising following the date of delivery" if a medical certificate is forwarded to the employer. Contingencies for unexpected pre-delivery problems are determined in section 5 of the Order. If the employee must cease work without giving notice, she will be allowed to provide a medical certificate indicating the problem and due date and continue her leave in the normal manner. The Alberta Health Care Insurance Act (Appendix A-27) provides that every resident of Alberta who is registered under the Alberta Health Care Insurance Plan is entitled to payment of benefits in respect of Basic Health Services provided to the resident and the resident's dependants. It further provides that Basic Health Services include (in part) all medically required services provided by physicians. The Act also provides that the Minister of Hospitals and Medical Care may make regulations prescribing the goods and services for which benefits

will be paid under the Plan. The Minister, in consultation with the Alberta Medical Association, has made regulations providing for benefits for a comprehensive list of both prenatal and postnatal care provided by a physician.

Optional health services relating to preferred hospital accommodation, medication and other services are provided for in the Regulations under the Act. (Appendix A-28)

The Health Unit Act (Appendix A-30) and The Public Health Act (Appendix A-31) establish local health authorities and provide for the funding of a variety of health-promotion programs administered free of charge in even the most remote areas of the province. Among these are programs directed specifically at pre-natal care, such as expectant parent education classes, designed to instruct prospective parents on the proper care of their infant. In practice, about 25 to 30 percent of all pregnant women in Alberta attend these classes, which are directed to both married and unmarried parents.

After birth, public health nurses are also available free of charge to visit the mothers and babies in the home to provide additional medical care and instruction. Because the local health unit automatically hears of each new birth in the province through the vital statistics branch of the Department of Social Services and Community Health, it is assured that, in practice, each new mother will have a visit from a public health nurse within two or three weeks of delivery.

- (3) Special protection and assistance accorded to working mothers including paid leave or leave with social security benefits and guarantees against dismissal during a reasonable period before and after child birth;

Neither The Alberta Labour Act, 1973 nor the Board of Industrial Relations Order No.71 (1976) stipulate that maternity leave is paid leave. It is not necessary because the federally administered Unemployment Insurance Act states that a person who has contributed to the Unemployment Insurance Fund is eligible for unemployment benefits for a maximum of 15 weeks while on maternity leave.

Board of Industrial Relations Order No.71 (1976) (Appendix A-26), section 8 provides for the protection of seniority accumulated by the employee up to the commencement of maternity leave while on said leave. Specifically, the employer must reinstate the employee at the same level of seniority existing upon commencement of leave.

Section 9 of the Order makes provisions in the event that changes occur in the business while the employee is on maternity leave. In this situation the responsibility of the employer is to

provide the returning employee with a position with the same seniority and wages as that previously held. This responsibility extends for twelve months from the expiration of the maternity leave.

Finally as stated by section 7, dismissal of an employee only "by reason that the employee is pregnant" is prohibited by the Board of Industrial Relations Order No.71 (1976). In a case such as this the employer is also regulated by the Board of Industrial Relations Order No.61 (1975) Governing Notice of Termination of Employment (Appendix A-32). Section 2(c) of this Order says that no notice of termination is required in certain instances, such as disability, tardiness, unreasonable absences from work, incompetence and carelessness. But the onus of proof in termination matters is on the employer. In a case such as this a labour standards officer would proceed with a very thorough investigation to ensure the veracity of the dismissal charges.

Also, the Alberta Human Rights Commission extends protection, under Clause 6 of The Individual's Rights Protection Act (Appendix A-25) to women who may be victims of unfair dismissal from employment as a result of becoming pregnant or having taken maternity leave. Complaints would be accepted under employment discrimination on the basis of sex.

Appendix B-8 contains a discussion of just cause for dismissal.

- (4) Specific measures, if any, in favour of working mothers who are self-employed or participating in a family enterprise, especially in agriculture or in small crafts and trades, including adequate guarantees against loss of income;

These employees are not covered by special legislation in Alberta.

- (5) Specific measures designed to assist mothers to maintain their children in the case of their husbands' death or absence.

The Fatal Accidents Act (Appendix A-33) states that in the event that the death of a person has been wrongfully caused, an action for damages can be commenced against the wrongdoer for the benefit of the deceased's wife and children.

Furthermore, in addition to any other damages which may be awarded to the spouse and children of the deceased, they are entitled to receive, without actual evidence of damage, damages for bereavement of \$3,000 for the wife and \$3,000 for the deceased's minor children.

Other measures are discussed in section A(1) of Article 10 and section A of Article 12.

C. Protection of children and young persons

- (1) Principal laws, administrative regulations and other measures including collective agreements and court decisions, if any, aimed at protecting and assisting all children and young persons, in order to give them opportunities and facilities for their healthy physical and psychosocial development without distinction or discrimination on account of birth, parentage, social origin or other conditions;

As indicated in the introduction, The Alberta Bill of Rights states that all laws in Alberta, unless expressly stated otherwise, shall be construed and applied so as not to abrogate or infringe on the right of the individual to equality before the law without discrimination with respect to race, national origin, colour, religion or sex. Therefore the laws of Alberta aimed at protecting and assisting children are directed to be administered without distinction or discrimination on the above grounds.

- (2) Special measures for the care and education of children, separated from their mothers or deprived of a family; physically, mentally, or socially handicapped children; and delinquent minors;

In Canada the substantive law with respect to children defined as juvenile delinquents is contained in the federal Juvenile Delinquents Act (Appendix A-34). The Act states that:

Where a child is adjudged to have committed a delinquency he shall be dealt with, not as an offender, but as one in a condition of delinquency and therefore requiring help and guidance and proper supervision.

The Province of Alberta has enacted The Juvenile Court Act (Appendix A-35) for the purposes of administering the provisions of the Juvenile Delinquents Act. The Clerk of the Juvenile Court is directed to keep detailed records of each case dealt with by the court. The information in these records is available to the Director of Child Welfare.

Appendix B-12 contains statistics about the number of juvenile court cases heard. Also legislated are the following measures designed to assist children who have lost a parent: The Family Relief Act (Appendix A-12), The Fatal Accidents Act (Appendix A-33) and The Criminal Injuries Compensation Act (Appendix A-36).

Attached and marked as Appendix B-12, is a table showing the disposition of cases before the Juvenile Courts for the year ended March 31, 1979.

- (3) Measures to protect children and young persons against economic, social and all other forms of exploitation, neglect or cruelty and from being the subject of traffic;

Pursuant to The Public Trustee Act (Appendix A-37) an official is appointed by the Provincial Government to act as the official guardian of the estates of infants for whom no guardian has been appointed by letter of guardianship from a court. The Public Trustee is directed to exercise his duties for the protection of the interests of infants over whom he has jurisdiction.

Further, this official must be served with notice of any court application with respect to the property or estate of any infant. The Public Trustee is directed by the statute to take such court proceedings as he deems necessary for the protection of the interests of the infant affected and shall attend actively to these interests. Rule 143 of the Alberta Rules of Court provides that judgment shall not be entered against an infant by default except by leave of the court.

Further, by virtue of this Act, any money other than wages or salary and any property to which an infant for whose estate no person has been appointed as guardian by a court shall be paid to the Public Trustee for the maintenance and education of the infant. The Public Trustee is required to account to infants for money which comes into his possession as a result of exercising his jurisdiction over the estates of infants.

In addition, The Devolution of Real Property Act (Appendix A-38) states that no sale of real property in which an infant is interested is valid or is binding on the infant unless the consent of the Public Trustee is obtained.

According to The Administration of Estates Act (Appendix A-13) the Public Trustee must be notified of and receive a copy of any application for probate or administration of an estate in which an infant is, or may by law be, interested.

While The Infants Act (Appendix A-39) provides that where an infant has a legal interest in some real property and the court is of the opinion that a disposition of that property is necessary or proper for the maintenance or education of the infant, then the court may order the disposition of that property.

Application under this Act is by the infant's guardian and consent of the infant is required if he or she is of the age of 14 years or older.

- (4) Provisions governing work by children and young persons, including minimum age for paid or unpaid employment, regulation of hours of work and rest, prohibition or restriction of night work and penalties imposed for violations of such provisions;

Labour legislation in Alberta divides persons eighteen years of age and under into three distinct groups; each has a characteristic set of employment standards.

The first group comprises children under twelve, for whom employment of any kind is considered to be mentally, physically and morally harmful and therefore is prohibited.

Although such is the case for children, section 41 of The Alberta Labour Act, 1973 (Appendix A-24) does make provision for the employment of "adolescents" (those over twelve years of age and under fifteen) and "young persons" (those fifteen to and including seventeen years). This section of the Act gives permission for future legislation regarding the types of work available to the young jobseeker, the allowable number of hours for work per day and the times of day that work may be done. It also establishes the necessity of parental consent to and Board of Industrial Relations approval of such employment.

The Adolescents and Young Persons Employment Regulations (Appendix A-40), enacted in 1974, augments The Alberta Labour Act provisions regarding the employment of "adolescents" and "young persons." The parameters of "adolescent" employment are defined in Section 1 and summarized as follows:

- parents must provide written consent for such employment
- the approval of the Board of Industrial Relations must be garnered if the application of legislation is uncertain
- there are specific occupations that are allowed adolescent employees and strict rules of conduct apply in those situations
- the adolescent may only work for two hours on a school day and eight hours on other days. These hours must be between 6:00 a.m. and 9:00 p.m. but not during school hours.

Investigations are undertaken by the Labour Standards Branch in order to monitor the activities of these employers to ensure that employment is not harmful to the well-being of the "adolescent."

The objective of the legislation applicable to the employment of the "young person" is to guarantee that this employee will not be exposed to danger.

Specifically, section 2 states:

- when a "young person" is employed from 9:00 p.m. to 12:00 a.m. an adult must be present at all times. This holds true for all occupations.
- it is not lawful for a young person to work from 12:01 a.m. to 6:00 a.m. in those businesses listed in the Adolescents and Young Persons Employment Regulations -- section 2(c), (d), and (e).

- for those businesses not mentioned in the legislation, written parental consent and the continual presence of an adult enables a "young person" to work from 12:01 a.m. to 6:00 a.m.

A discussion of the Adolescents and Young Persons Employment Regulations is contained in Appendix B-13.

In Appendix B-14 one may find a diagramatic discussion of the procedure necessary to employ an adolescent in Alberta.

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

- A. General and specific measures taken to achieve an adequate standard of living and a continuous improvement of living conditions of people.

The Exemptions Act (Appendix A-41)

Recognition is given by this statute to the right of debtors and tenants to an adequate standard of living notwithstanding that they may be in default in their obligation to their creditors and landlords.

The Act sets forth certain property which a creditor or landlord cannot seize and sell by legal process in order to recover the default of the debtor or tenant.

The types of property protected are such as to ensure that a debtor or tenant has an adequate standard of living and includes among other things:

1. necessary clothing,
2. household furniture to a certain value,
3. a certain amount and number of agricultural produce and domestic animals,
4. tools necessary to livelihood, and
5. occupied homes and real estate to a certain value.

The Domestic Relations Act (Appendix A-1), The Maintenance Order Act (Appendix A-6), The Family Relief Act (Appendix A-12), The Fatal Accidents Act (Appendix A-33) and The Criminal Injuries Compensation Act (Appendix A-36) also deal, in part, with the right of each person to an adequate standard of living.

B. Right to adequate food

- (1) Principal laws, administrative regulations and collective agreements designed to promote the right of everyone to adequate food, and relevant court decisions, if any;

Through The Department of Agriculture Act (Appendix A-42) and subsequent program development an individual's right to adequate food is protected.

Section 5 of the Act authorizes the Minister to appoint and engage consultants for the purpose of advising him on matters within his jurisdiction. Section 6 allows the Minister to establish boards or committees to act in an advisory or administrative capacity in matters relating to policies, programs or other matters under his administration. Under Section 10.1 of the Act the Minister, with the approval of the Lieutenant Governor, may purchase any estate or interest in land and any personal property for the purpose of withdrawing from agricultural use land that is of marginal quality, to assist the owner of farmlands to withdraw from farming, for the purpose of carrying out any agreement between the governments of Canada and Alberta, and for any purpose of any program or project relating to conservation, utilization or management of natural resources. Additional authority under this Act allows the minister to make grants and regulations relating thereto, and to collect and disseminate information and statistics relating to his jurisdiction.

- (2) Measures taken to develop or reform existing agrarian systems, in order to achieve the most efficient development and utilization of natural resources.

The Agricultural Service Board Act (Appendix A-43) states that where the board finds that land is impoverished or in the process of becoming impoverished through weed infestation, or wind or water erosion, or any other cause that has seriously affected or that may seriously affect the productivity of the land or the welfare of the owner or occupant of the land, and may become a menace to the community the board shall report its findings to the council or the Minister of Municipal Affairs. The council or the Minister may declare that the land referred to be subject to supervision, rehabilitation or reclamation. (Appendix C-1)

The Soil Conservation Act (Appendix A-44) states that every person who owns, occupies or controls land shall take active measures to prevent soil deterioration upon the land by action of wind or water or by any other cause, and shall obey any notice given pursuant to this Act. (Appendix C-2)

The Agricultural Development Act (Appendix A-45) established the Alberta Development Corporation for the purpose of authorizing loans to primary producers of agricultural products and to the owners of associated business and agricultural industries. (Appendix C-3)

The Water Resources Act (Appendix A-46) in Section 5.1 declares the property of any water in Alberta to be vested in the province. However, section 5.4 gives a person owning or occupying land next to a body of water, the right to use any

amount that he requires for domestic purposes on the land. Section 6.1 prohibits a person from diverting any water or interfering with the present or future development, conservation or management of water, without first receiving authority given under this Act. (Appendix C-4)

The Expropriation Act (Appendix A-47) permits the expropriating authority (the Crown or a person empowered to acquire land) to expropriate any land, acquire any estate or any lesser interest by way of profit, easement, right, privilege or benefit in, over or derived from the land. The right for compensation is set out in Part 2 of the Act and allows for the establishment of the Land Compensation Board appointed by the Lieutenant Governor in Council, which determines the compensation payable when the expropriating authority and the owner of the land cannot come to an agreement. (Appendix C-5)

The Land Titles Act (Appendix A-48) establishes the basic tenure system for the Province of Alberta for privately held lands. Within the agricultural sector at the primary level, a large part of the land is owned and operated by farms of single proprietorship or partnership, or family corporate farms. (Appendix C-6)

The Planning Act, 1977 (Appendix A-49) provides for the control of development on privately held lands in the province.

The purpose of the Act and associated regulations is to provide means whereby plans and related measures may be prepared and adopted to:

- (a) achieve the orderly, economical and beneficial development and use of land and patterns of human settlement, and
- (b) maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,

without infringing on the rights of individuals except to the extent that it is necessary in the greater public interest. (Appendix C-7)

The Public Lands Act (Appendix A-50) provides for the administration of public lands of the province by permitting the government or its designate to establish the use and designation of lands, including parks, wilderness, forest reserves, grazing reserves, and the disposal or lease of lands for agricultural development purposes. The Act limits disposal of lands to Canadian citizens or Canadian controlled corporations. (Appendix C-8)

The Agricultural and Recreational Land Ownership Act (Appendix A-51) provides for the control of ownership of agricultural and

recreational land by foreign citizens or companies. Agricultural and recreational lands are defined as those privately held lands found within the province and outside the boundaries of an urban municipality. Citizens are defined under the Canadian Citizenship Act. Foreign controlled companies are defined as companies with a shareholders base of which 50 percent or more is non-Canadian. Canadian citizens, permanent residents and Canadian controlled companies are allowed to own land. Foreign citizens or foreign controlled companies are restricted to the purchase of 20 acres or less without approval of the Lieutenant Governor in Council.

(3) Measures taken to improve methods of production and the quantity and quality of food produced, and to increase yield per unit of cultivated land and to improve methods of animal husbandry, including animal health, by making full use of technical and scientific knowledge, in particular:

(a) promotion of agricultural research, introduction and use of appropriate material, equipment and techniques

(b) measures to disseminate knowledge on the use of such material, equipment and techniques;

The Alberta Agricultural Research Trust Act (Appendix A-52) established the Alberta Agricultural Research Trust, consisting of 12 trustees appointed by the Lieutenant Governor in Council. The objects of the trust are to obtain property of every nature, and to hold, use and administer it for the purpose of provincial expansion of applied and fundamental agricultural research. (Appendix C-9)

The Livestock Diseases Act, 1971 (Appendix A-53) states that the Minister of Agriculture upon learning that a communicable disease exists may recommend that the Lieutenant Governor in Council make a control order. (Appendix C-10)

The Artificial Insemination of Domestic Animals Act (Appendix A-54) provides for the regulations to include licensing and qualifications of technicians, sanitation requirements, standard of semen, record keeping, advertising and forms of assistance, as well as the penalties for persons or businesses that contravene the Act. (Appendix C-11)

The Alberta Heritage Savings Trust Fund Act (Appendix A-55) established a fund known as the Alberta Heritage Savings Trust Fund.

This Act was established in order to set aside and invest a substantial portion of the revenues being received by the province from the sale of non-renewable resources. The assets of the Trust Fund shall be used for investing in projects which will

provide long-term economic or social benefits to the people of Alberta but will not by their nature yield a return, for the making of loans and for making investments which will yield a return plus strengthen and diversify the economy. (Appendix C-12)

Other acts pertaining to this section are discussed in Appendix C-13 and include The Bee Act, The Seed-control Areas Act, The Weed Control Act and The Seed Grain Purchase Act.

(4) Measures taken to improve and disseminate knowledge regarding methods of food conservation, in particular to reduce crop and postharvest losses and waste (e.g. through pest control and adequate food storage facilities), and to prevent degradation of resources (e.g. through soil conservation and water management);

The Agricultural Pests Act, 1974 (Appendix A-56) states that every person who owns, occupies or controls any land shall take active measures to destroy all pests upon the land and any crop vegetation, vegetable and other matter that may contribute to the spread of any pest, shall take active measures to prevent the establishment of all pests upon the land; and shall obey any notice relating to the land given to him in writing by an officer. (Appendix C-14)

The Frozen Food Act (Appendix A-57) sets out regulations for operating an animal food storage plant, a frozen locker plant, or a specialized processing plant for the purpose of improving food conservation. (Appendix C-15)

The Agricultural Service Board Act (Appendix A-43) states that where the board finds that land is impoverished or in the process of becoming impoverished through weed infestation, wind or water erosion, or any other cause that has seriously affected or that may seriously affect the productivity of the land or the welfare of the owner or occupant of the land, and may become a menace to the community, shall report its findings to the council or the Minister of Municipal Affairs. The council or the Minister may declare that the land referred to be subject to supervision, rehabilitation or reclamation. (Appendix C-16)

The Soil Conservation Act (Appendix A-44) states that every person who owns, occupies or controls land shall take active measures to prevent soil deterioration upon the land by action of wind or water or by any other cause, and shall obey any notice given pursuant to this Act. (Appendix C-17)

The Ground Water Control Act (Appendix A-58) states that the owner of a well shall, at all times, take such precautions as are necessary for the safety of persons, livestock, and other property and for the prevention of damage by reason of the presence or escape of water. (Appendix C-18)

- (5) Measures taken to improve food distribution such as improvement of communications between areas of production and food marketing centres, facilitating access to markets, introducing price support and stabilization measures, controlling abusive practices, and assuring minimum supplies to needy groups;

The Vegetable Sales (Alberta) Act (Appendix A-59) allows the Lieutenant Governor in Council to make regulations providing for inspection, grading, packaging, marking, shipping, advertising, and selling of vegetables within the province for the control of abusive practices. (Appendix C-19)

The Dairy Board Act (Appendix A-60) states that the Milk Board may, with the approval of the Lieutenant Governor in Council, make such regulations and orders as it considers necessary in the public interest governing and controlling the production, processing, supplying, transportation, distribution or sale of milk within Alberta. (Appendix C-20)

The Margarine Act (Appendix A-61) states that no person in the province can sell or serve to the public any margarine with greater than sixteen percent moisture or less than eighty percent fat. (Appendix C-21)

The Livestock and Livestock Products Act (Appendix A-62) states that the Lieutenant Governor in Council may make regulations providing for the inspection, weighing, grading, packing and marketing of livestock and livestock products. (Appendix C-22)

The Marketing of Agricultural Products Act (Appendix A-63) established a corporation called the Alberta Agricultural Products Marketing Council which enabled marketing boards and marketing commissions to be formed and agricultural products to be regulated. (Appendix C-23a)

- (6) Measures taken to improve food consumption levels and nutrition, with particular reference to the most vulnerable groups of the population;

The Marketing of Agricultural Products Act (Appendix A-63) allows for marketing boards and marketing commissions to be constituted and agricultural products to be regulated. The Lieutenant Governor in Council may establish, amend or revoke any plans, the object of which are to initiate and carry out programs for stimulating, increasing or improving the marketing of an agricultural product. (Appendix C-23b)

The Health Unit Act and The Public Health Act (Appendices A-30 and A-31) have programs to promote public health, including many which provide public education on nutrition. For example, the local health units provide nutritional advice to expectant

mothers in "early bird" classes specially designed for women shortly after they have had their pregnancy confirmed. Public health nurses use a nutrition resource manual provided by the government as a reference book for these programs.

Appendix C-24 contains general information about the Department of Agriculture.

- (7) Measures taken (including the adoption of food standards) to reduce food adulteration and contamination and to improve the quality and safety of food, at market and storage levels, as well as food hygiene at all levels;

The Meat Inspection Act (Appendix A-64) states that every carcass or portion of a carcass of an animal which is found upon inspection to be unhealthy or unfit for food or which contains ingredients or preservatives which may render it unfit for food shall be marked by an inspector and shall thereupon be deemed to be condemned as unfit for food and shall be disposed of in accordance with the regulations. (Appendix C-25)

The Dairymen's Act (Appendix A-65) states that the buildings and premises of a dairy manufacturing plant shall be kept in a sanitary condition, and all materials entering into the manufacture and processing of dairy products shall be clean and wholesome. (Appendix C-26)

The Agricultural Chemicals Act (Appendix A-66) states that every person who keeps, stores or transports an agricultural chemical shall do so in such a manner that the chemical does not come in contact with or contaminate the food or drink of humans, animals or plants. (Appendix C-27)

The Public Health Act (Appendix A-31) provides for the regulation of the standards of certain foods, and the standards of equipment that is used in the production and transportation of food. In addition, the premises in which food is manufactured or sold must comply with standards set under this Act.

- (8) Measures taken for dissemination of knowledge of the principles of nutrition;

The Department of Agriculture Act (Appendix A-42) authorizes the Minister of Agriculture to institute inquiries and collect any information pertaining to his jurisdiction, and to disseminate information in such a manner and form to best promote the well being of the agricultural industry.

An example program relating to the dissemination of knowledge of principles of nutrition would be the Nutrition at School program, which features nutritious food samples together with nutrition education integrated into the regular school curricula.

Under the authority of The Public Health Act and The Health Unit Act (Appendices A-30 - A-31) nutritionists are stationed as consultants in local health units throughout the province. In addition to providing public health care inspectors and other health care workers with nutrition information, these consultants offer public programs through the health units to promote nutrition in babies, for example campaigns to encourage breast feeding as well as nutrition education programs directed at the elderly through senior citizens' clubs and other organizations.

- (9) Information on participation in international co-operation, efforts and projects aimed at ensuring the right of everyone to be free from hunger, in particular through an equitable distribution of world food supplies in relation to need, account being taken of the related problems of both food-importing and food-exporting countries;

The Department of Agriculture Act (Appendix A-42) states that unless responsibility is assigned to some other minister, that part of the administration of the government relating to agriculture is under the administration of the Minister of Agriculture.

Example programs relating to The Department of Agriculture Act in regard to international co-operation:

1. The Alberta International Assistance Program is a means whereby the Government of Alberta supplements the funds raised in Alberta by non-governmental organizations for development and assistance programs in the Third World countries. Projects under this program include food assistance, irrigation and potable water development and nutrition education. Alberta Agriculture, through the Federal/Provincial Voluntary Agricultural Development Assistance Program, in certain cases funds the transportation costs of foodstuffs purchased by Alberta "in kind" to the recipient countries.
2. International Marketing through the Export Development Grant Program assists Alberta exports of agriculture and food products. Grants are provided to support international exhibitions, incoming buying missions and outgoing sales missions, feasibility studies and other market promotion and development activities.

- (10) Statistical and other available data on the realization of the right to adequate food.

The Department of Agriculture Act (Appendix A-42) authorizes the Minister to institute inquiries into and collect information and statistics relating to matters under his jurisdiction.

The Agricultural Statistics program objective is to compile, generate and distribute statistics on the agricultural industry to farmers, government agencies and department staff. (See Appendix C-28)

C. The right to adequate clothing

- (1) Principal laws, administrative regulations and collective agreements designed to promote the right to adequate clothing;

The Social Development Act (Appendix A-16) and the Regulations enacted under it (Appendix A-16a) provide a minimum food, clothing and shelter allowance to the recipients of social welfare.

- (2) Information on measures taken, including specific programs, aimed at improving methods of production and distribution of articles of clothing;

The Social Development Act (Appendix A-16) and Regulations (Appendix A-16a). Under this statute and its regulations, special provisions relating to clothing are made for the recipients of social allowance. The Regulations provide for layettes for newborns, and any special clothing required for the purpose of taking employment or training, whenever these are required by the recipient of social allowance. In addition, clothing can be provided to recipients of social allowance who suffer exceptional loss through theft, fire or natural disaster, and who, without assistance, would be unable to purchase replacement clothing.

- (3) Information on scientific and technical methods used to achieve adequate supply of articles of clothing;

The Province of Alberta does not see this as an issue at this point in time. The existent social welfare system ensures an adequate supply of clothing for all residents of the province.

- (4) Information on the extent of participation in international cooperation contributing to the promotion of the right to adequate clothing.

Under the International Assistance Program of Alberta Culture, economic assistance is provided to Third World countries in a number of areas, including provision for adequate clothing. In this program the government supplements the funds, raised by Albertan non-governmental organizations that are active in providing assistance to developing countries. The programs of non-governmental organizations are carefully assessed to ensure that all programs receiving Alberta government financial support make a positive contribution to meeting "basic human needs" which are generally defined as the minimum food, shelter, clothing, health and education required for human existence. (Appendix C-36)

D. Right to housing

- (1) Principal laws, administrative regulations and collective agreements designed to promote the right to housing, and relevant court decisions, if any;

Under The Alberta Housing Act (Appendix A-67), the Alberta Housing Corporation is given the power to undertake and/or assist in the provision, development, maintenance and management of housing.

The Alberta Housing Corporation may also enter into agreements with municipalities, housing authorities, non-profit groups, and foundations for the administration of public housing and senior citizen housing projects. In this regard, Alberta Housing Corporation designs specific regulations and guidelines for the operation and management of the projects. The administrative regulations for both public housing and senior citizen self-contained programs contain provision which safeguard the right to housing:

- i) Tenants are selected on a priority basis, depending on their need. Need is determined by their present income, family size or number of dependents, condition of present accommodation, assets, proportion of present rent to income and other factors such as eviction.

This tenant selection system is designed to ensure the greatest need (e.g. larger families, families who because of low income cannot afford to pay market rent or families who live in substandard accommodation) will be assisted first.

- ii) In the selection of tenants, it is also specified that there must be no discrimination on the grounds of colour, race, religion, or place of birth. The Individual's Rights Protection Act (Appendix A-25) reiterates this prohibition of discrimination.

- iii) Since the monthly rental rate is geared to family income and family size, it ensures that housing is affordable. Pursuant to item (iii) The Social Development Act (Appendix A-16) and the Regulations (Appendix A-16a) provide for a shelter allowance payable to persons in need of assistance.

- (2) Information on measures taken, including specific programs, subsidies and tax incentives, aimed at expanding housing construction to meet the needs of all categories of the population, particularly low-income families.

The Senior Citizens Housing Act (Appendix A-68) and The Alberta Housing Act (Appendix A-67) contain provisions for the construction of housing to meet the needs of middle and low income families and individuals, students, senior citizens and families

and individuals receiving social assistance. The provisions of these acts are administered through the Alberta Housing Corporation.

The Alberta Home Mortgage Corporation Act (Appendix A-21) specifies that the objects of the Alberta Home Mortgage Corporation are to carry out functions provided by this Act and such other duties that are compatible with or complement any program of providing monies for housing in Alberta and, in particular, to provide monies for construction of moderate or low priced housing, etc.

The Alberta Property Tax Reduction Act (Appendix A-69) contains provisions for tax credits, for senior citizens' rent assistance and for municipal assistance which helps make housing more affordable. The provisions of this Act are administered through the Grants Administration Branch of Alberta Municipal Affairs.

Appendices C-29, C-30, C-31, and C-35 contain statistics regarding Alberta housing programs.

- (3) Information on the use of scientific and technical knowledge and of international co-operation for developing and improving housing construction, including safety measures against earthquakes, floods and other natural hazards;

The Department of Labour is responsible for developing legislation and organizing enforcement procedures in the area of safety in buildings.

The General Safety Services Division is subdivided into seven branches, each one being responsible for a particular aspect of building safety. The procedures of assuring safety are different in each branch and depend on the complexity of the technical requirements.

One or more acts of the Legislature are administered by each branch, as follows:

1. Boilers and Pressure Vessels Branch
- The Boilers and Pressure Vessels Act, 1975
2. Building Standards Branch
- The Alberta Uniform Building Standards Act
3. Electrical Protection Branch
- The Electrical Protection Act
4. Elevator and Fixed Conveyances Branch
- The Elevator and Fixed Conveyances Act

5. Fire Prevention Branch
 - The Fire Prevention Act
 - The Lightning Rod Act
6. Gas Protection Branch
 - The Gas Protection Act
7. Plumbing Inspection Branch
 - The Plumbing and Drainage Act

Appendix C-32 contains a detailed review of these branches.

The Department of Housing and Public Works Act (Appendix A-70) gives the Department of Housing the authority to provide grants respecting research on housing.

The Innovative Housing Grant Program was developed under the administration of the Department of Housing to encourage and assist research and innovation in the areas of housing costs, energy efficiency and the viability of alternative forms of housing. Developers, builders, municipal governments, institutions, non-profit groups and individuals are eligible for assistance. This program is intended to supplement proponents' contributions and possibly those of other sponsors.

- (4) Information on measures taken or envisaged to solve the special problems of housing, water supply and sanitary conditions in rural areas;

The Municipal Government Act (Appendix A-71) provides the statutory authority for every municipality to establish land for housing, to develop residential subdivisions, to construct or otherwise provide water supply and sanitary sewage systems, and to finance all undertakings. The Act also provides for the incorporation of cities, towns, villages, summer villages, and municipal districts. (Appendix C-33)

Besides municipal districts, other forms of rural municipalities are provided for under special acts. These acts establish the government units, each with some specific powers, and also give each the rights, powers, privileges, duties and functions conferred on a council by The Municipal Government Act. These acts are:

- (a) The County Act (Appendix A-72)
- (b) The Special Areas Act (Appendix A-73)
- (c) The Improvement Districts Act (Appendix A-74)

Where required, water supply and sanitary sewage systems have normally been constructed using debenture or other debt financing. Prior to 1974 the debentures may have been obtained from provincial, federal or other sources. But with increasing costs and environmental protection requirements the provincial government introduced programs to assist municipalities in

meeting the financing burdens without placing unbearable loads on municipal tax levies. See Appendix C-29 for a list of the programs.

In 1979 further relief from debts, and new funding that could be used for water and sanitary sewages services, was provided from the Provincial General Revenue Fund accumulates surpluses.

The above municipal powers and provincial government programs are all non-discriminatory for areas administered within the jurisdiction of the Government of the Province of Alberta. There are areas within the provincial borders which are under the jurisdiction of the Government of Canada -- Indian reservations and national parks. In those areas water and sanitary sewage systems are provided through the authorities and funding sources of the federal government.

In addition to the various housing programs mentioned in subsection 3, special programs have also been developed to solve the housing problems in rural areas.

The Alberta Housing Act, 1970, (Appendix A-67) allows the Alberta Housing Corporation to provide mobile home units to families in rural and isolated areas on an emergency basis. Families of low income who require housing on an emergency basis and who cannot obtain other forms of housing are eligible for assistance under the Rural Mobile Home Program. Housing emergencies are defined as those situations where a) a family's dwelling has been destroyed by fire or other peril or is denied to them because of eviction or family separation, b) the occupied dwelling is unsafe due to structural defects and is beyond repair, or c) the dwelling is jeopardizing the health of the occupants due to such reasons as overcrowding. This program provides housing on a rental/ownership basis.

Another program which is also designed to meet the special housing needs in the rural areas is the Rural Home Assistance Program (Appendix C-29). This program is administered by the Department of Housing and Public Works and is intended to help families and communities in remote areas of Alberta to build their own homes. This program provides housing assistance in remote areas of the province where conventional methods of financing housing are not available. Although most funds are designated for new home construction, limited funds are also available for repairs and rehabilitation of existing houses. These funds are generally allocated on the basis of need and the lack of availability of other programs that could solve the need.

(5) Measures taken for the protection of tenants such as rent control and legal guarantees;

The Landlord and Tenant Act, 1979 (Appendix A-76) became law on July 1, 1979, and superseded The Landlord and Tenant Act which

had been in effect for some ten years or more. The new Landlord and Tenant Act gives security of tenure to the extent that a three-month notice to vacate must be given to the tenant where there has not been a breach of covenant. While this does not give the tenant absolute security of tenure, it does, to some extent, protect him from a vexatious notice to vacate. (Appendix C-34)

The Landlord and Tenant Act, 1979 (Appendix A-76) is administered by the Department of Consumer and Corporate Affairs. Under the Act it is also possible for a municipality to establish a Landlord and Tenant Advisory Board. The functions of this board are as follows:

- (a) to advise landlords and tenants in tenancy matters;
- (b) to receive complaints and seek to mediate disputes between landlords and tenants;
- (c) to disseminate information for the purpose of education and advising landlords and tenants concerning rental practices, rights and remedies;
- (d) to receive and investigate complaints of contravention of legislation governing tenancies.

Subsection (b) of Clause 4 of The Individual's Rights Protection Act (Appendix A-25) prohibits discrimination against any person or class of persons with respect to any term or condition of tenancy of any commercial unit or self-contained dwelling units because of race, religious beliefs, colour, sex, ancestry, or place of origin.

- (6) Statistical and other available data on the realisation of the right to housing;

In recognition of the right to housing, the Provincial Government has financed and/or developed a large amount of rental accommodation at reasonable cost for families and seniors of low and middle income through the programs of the Alberta Housing Corporation, the Department of Housing and Public Works, and the Alberta Home Mortgage Corporation. As of July 31, 1979, the province had provided approximately 20,000 subsidized housing units to meet the needs of these categories of the population. Appendix C-35 provides a table showing the Alberta social housing inventory by program.

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

- A. Principal Laws, administrative regulations, collective agreements, and other types of arrangements designed to promote and safeguard the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and relevant court decisions, if any.

The common law recognizes the maintenance and promotion of an individual's health in its law of civil wrongs and injuries known as the law of torts. Although compensatory rather than regulatory, tort law maintains and promotes the health of individuals by imposing civil liability for both intentional and negligent interference with a person's physical and mental well being.

To deal with specific matters the Legislature has enacted the following:

The Blind Persons' White Cane Act (Appendix A-77)

This statute prohibits the use of "white canes" in public places by persons other than blind persons as defined in the Act. There is a penalty for contravention.

The purpose of this legislation is to assist in the recognition of blind persons by those sighted persons who might be able and willing to assist them.

The Criminal Injuries Compensation Act (Appendix A-36)

Where a person is injured or killed as a direct result of another person's committing certain types of criminal offences or as a direct result of assisting a peace officer in carrying out his duty, the Crimes Compensation Board may make compensatory payments pursuant to this Act.

Compensation available is specified for:

- expenses actually and reasonably incurred as a result of the victim's injury or death and any other expenses that, in the opinion of the Board, it was necessary to incur;
- pecuniary loss to the victim resulting from the total or partial incapacity of the victim to work;
- pecuniary loss to dependants as a result of the victim's death;
- maintenance of a child born as a result of rape;
- pecuniary loss resulting from the victim's injury;

and are payable to the victim as well as

- to any person, in respect of
 - expenses incurred by that person as the result of the death of the victim, or

- pecuniary loss suffered by or expenses incurred by that person as the result of an injury to the victim where the maintenance of the victim is the responsibility of that person,
- or to any one or more of the dependants of the victim.

Attached as Appendix D-1 is a copy of the Report of the Crimes Compensation Board for the year ending March 31, 1979.

The Dangerous Dogs Act (Appendix A-78)

A dog which has bitten or has attempted to bite a person may be destroyed pursuant to this statute by order of a Justice of the Peace. Further, a Justice of the Peace may make an order that a dangerous dog or a dog not kept under proper control be kept under proper control or be destroyed.

The Defamation Act (Appendix A-79)

The right of an individual to be protected from and compensated for injury to the respect and esteem in which he or she is held by others is recognized in this Act which codifies the law in Alberta with respect to a cause of action for damages as a result of injuries to an individual's character by defamatory statements, publications, broadcasts, etc.

The Fatality Inquiries Act (Appendix A-80)

Investigation of unexpected or unexplained deaths in Alberta is conducted pursuant to the provisions of this statute.

When under certain circumstances a death occurs in the province, this statute requires that the responsible provincial officials be notified. These types of deaths are specified in section 2 of the Act (Appendix D-2). Statistics are contained in Appendix D-3.

The Occupiers' Liability Act (Appendix A-81)

Bodily security of individuals while on land or premises owned or occupied by others is protected by this statute.

The Act provides that

An occupier of premises owes a duty to every visitor on his premises to take such care as in all circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be there or is permitted by law to be there.

Persons defined in the Act as trespassers are not owed the duty of care outlined above; nonetheless, an occupier is liable to a

trespasser for death or injury that results from the occupier's willful or reckless conduct.

A special duty or care is specified with respect to children. Remedy and recourse for a breach of the duty and standards of care owed to visitors, trespassers, and children is to the courts by way of an action for damages. (Appendix D-4).

The Mental Health Act, 1972 (Appendix A-82)

The legislation provides for a form of civil commitment to persons who do not voluntarily seek treatment for mental disorders, but does ensure that while they are in civil confinement they will receive appropriate levels of treatment.

The Public Health Act (Appendix A-31) and The Health Unit Act (Appendix A-30) have been discussed in detail in Article 10-B(2).

B. Information on:

- (1) Measures taken to reduce the stillbirth rate and infant mortality;

Under The Health Unit Act (Appendix A-30) and The Public Health Act (Appendix A-31) (see Article 10-B(2)) a number of programs have been established to reduce the stillbirth rate and the rate of infant mortality. Perhaps the most important of these are the pre-natal and post-natal programs described in B(2)(a). In addition, Alberta has a peri-natal committee, composed of pediatricians, obstetricians and gynecologists who study all peri-natal deaths in Alberta in an attempt to isolate preventable factors in those deaths. Many of the larger hospitals in Alberta have neonatal intensive care units, to which any expectant woman with whom problems in delivery are anticipated is transferred before delivery in an effort to minimize the risk.

See Article 10, heading B(2) for health and hospital services available.

Statistics relative to infant mortality and stillbirth are shown in Appendix D-7.

- (2) Measures taken for the healthy development of children;

The Preventive Social Services Act (Appendix A-23)

Under this statute a number of programs have been established to assist in the development of healthy, emotionally balanced, well-developed children and the provincial government provides funding for use in day care facilities in the local community.

The Social Care Facilities Licensing Act (Appendix A-83) sets standards for the operation of all private and public day care

facilities in the province. Other programs offered at the local level are family life education programs and parent-child development programs which provide a forum for education in such matters as parental roles within the family, discipline of children, etc. In addition, the early childhood services program, which is directed to children in the 4½-5½ year age group, provides educational programs on the parenting of children. These programs are available in most municipalities in Alberta, with the result that 84 percent of the population of Alberta has such programs in the community in which they live.

In addition to the health care services described in Article 10, B-2, benefits area payable for other basic health services including osteopathic, optometric, chiropractic, and podiatric services.

- (3) Measures taken to protect and improve all aspects of environmental and industrial hygiene, to prevent air, land, and water pollution, to overcome the adverse effects of urban development and industrialization, etc.;

Upon reviewing the submission of the province of Alberta in May, 1979, it would appear that the reply provided for Article 7(B) (pages 12-14)³ adequately covers this question. However, several changes should be noted: The Occupational Health and Safety Act has recently been amended. Royal assent was received in November, 1979, and the amended Act was to become effective by proclamation early in 1980. The major reason for the amendments was to make provision for the transfer of The Coal Mines Safety Act and The Quarries Regulation Act to The Occupational Health and Safety Act. Revisions have been proposed for specific regulations under the Act, including the sections concerned with accident prevention, noise, silica, vinyl chloride, asbestos, chemical hazards, coal dust and ventilation.

On page 14⁴ of the May 1979 document, reference is made to the Department of Workers' Health, Safety, and Compensation. In fact a Minister Responsible for Workers' Health, Safety, and Compensation was appointed in March 1979 and the Workers' Compensation Board and the Division of Occupational Health and Safety now come under his jurisdiction.

- (4) Comprehensive schemes and specific measures, including vaccination programs to prevent, treat, and control epidemic, endemic, occupational and other diseases and accidents in urban and rural areas;

3. Report of Canada on Articles 6 to 9 of the International Covenant on Economic, Social and Cultural Rights, pages 116-117 (pages 105 to 107 of the text as reprinted by the United Nations in document E/1978/8/Add.32).

4. Idem, page 117 (106).

The Public Health Act (Appendix A-31) and The Health Unit Act (Appendix A-30) establish programs for the prevention and control of epidemics and endemics and include free vaccination programs for all communicable diseases. The Venereal Diseases Prevention Act (Appendix A-84) and The Tuberculosis Act (Appendix A-85) provide programs for the prevention, control, and treatment of those specific diseases. The Cancer Treatment and Prevention Act (Appendix A-86) provides programs for the prevention, treatment, and control of cancer.

- (5) Comprehensive plans and specific measures to assure to all age groups and all other categories of the population, including in particular in rural areas, adequate health services including adequate medical attention in the event of sickness or accident;

The Alberta Health Care Insurance Regulations (Appendix A-28) provide for an Extended Health Benefits Program for senior citizens, their spouses and their dependants. The program provides a substantial portion of the cost of eyeglasses and a major portion of the cost of dentures and dental care and assumes the cost of hearing aids and medical and surgical equipment supplies and appliances.

The Nursing Homes Act (Appendix A-87) provides assistance for Alberta residents who are not ill enough to require hospitalization, but require assistance in coping with the activities of daily living. It is available to any person (including non-nationals) who has fulfilled certain residency requirements and has been found by an assessment committee-owned while others are privately owned but under contract to the government.

A province-wide emergency air ambulance service is provided. It is used primarily to move people from isolated rural areas where required medical attention and hospital facilities are not available, to larger centres where such services exist.

In addition to the College of Physicians and Surgeons of Alberta and district hospital boards, private sector institutions participating in meeting health care include the associations and societies which represent the other health professions involved, operators of contract nursing homes and ambulance operators.

The Public Health Act (Appendix A-31) and The Health Unit Act (Appendix 30) provide for the establishment of local health authorities and for the establishment of a wide range of preventive health services throughout the whole of the province, including rural areas. The Home Care Program under The Health Unit Act (Appendix A-30) ensures the availability of home care as opposed to institutional care for persons who are debilitated as a result of either sickness or accident.

The Nursing Service Act (Appendix A-88) provides for specialized nursing services in isolated areas of the province.

The Treatment Services Act (Appendix A-89) provides authority for the provision of special services in relation to special diseases or conditions such as polio, rheumatoid arthritis and diabetes. In addition, the Act makes provision for special health services for senior citizens.

- (6) Main features of existing arrangements for the provisions of medical care and methods of financing them.

The Treatment Services Act (Appendix A-89) provides for free medical coverage for any of the conditions referred to in the last paragraph above, and in addition, any of the health services provided through the local health units are free of charge. The only exception to this is the home care program, for which a sliding maximum fee is charged which varies in proportion to the income of the recipient of the service.

The Annual Report of the Alberta Health Care Insurance Commission for the nine months ended March 31, 1978 (Appendix D-5) contains the main features of the Alberta Health Care Insurance Plan. Features of the Alberta Hospitalization Benefits Plan and the Alberta Nursing Home Plan are included in the Annual Report of the Alberta Hospital Services Commission for the nine months ended December 31, 1977 (Appendix D-6).

The Alberta Health Care Insurance Plan is financed through premium revenue, federal government cost sharing and a provincial government grant. A specified premium varying from zero to a given monthly amount is charged. The amount charged is calculated on the individual's ability to pay, based on annual net taxable income. A separate premium is charged for optional health services (described in Article 10, heading B(2)). Premiums are not charged for senior citizens, their spouses or dependants.

Hospital construction and operating costs are financed from general revenue of the province together with federal cost sharing. There is also a small per diem charge to the patient after the first 120 days in auxiliary hospital (hospitals which provide care for long term or chronic illnesses).

Nursing home care is financed primarily through provincial government grants. An annual grant is also provided by the federal government. These grants are augmented by a daily charge to each patient.

- C. Statistical and other available data on the realization of the right to health, in particular, statistics on infant mortality, number of doctors per inhabitants, number of hospitals and hospital beds, etc.

These statistics are contained in Appendices D-5, D-6, and D-7.

2. BRITISH COLUMBIA¹

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

1. In British Columbia the principal laws designed to protect the family are:

Family Relations Act, R.S.B.C. 1979, c. 121
Child Paternity and Support Act, R.S.B.C. 1979, c. 49
Married Woman's Property Act, R.S.B.C. 1979, c. 252
Marriage Act, R.S.B.C. 1979, c. 251
Human Rights Code, R.S.B.C. 1979, c. 186
Home Purchase Assistance Act, R.S.B.C. 1979, c. 172
Guaranteed Available Income for Need Act, R.S.B.C. 1979, c. 158

2. In British Columbia the right of men and women to enter into marriage with their full consent is protected under the Marriage Act. The Act states that adult men and women may get married without hinderance and provides that persons under the age of nineteen must have the consent of the parents. This consent cannot be unreasonably withheld.

3. In British Columbia there are no measures to facilitate the establishment of a family through subsidies or installation grants.

The Home Purchase Assistance Act through the Family First Home Grant provides aid to families with at least one dependent child under nineteen years of age purchasing their first home. (This includes single parent and adoptive families.)

4. The Province provides for many measures aimed at maintaining, strengthening and protecting the family:

(a) The Family Relations Act

- (i) provides for the legal resolution of maintenance, custody and access issues in common law marriages where the relationship has lasted for a period of two years.
- (ii) provides for the legal resolution of maintenance, custody and access issues resulting from a marriage breakdown without going through the process of a divorce.
- (iii) provides for the equal division of family assets upon dissolution of marriage or upon a separation agreement being signed.

1. Report prepared by the Government of British Columbia.

- (iv) provides for legal representation for children in legal disputes involving them.
- (v) provides for counselling service to be provided to help people resolve marital conflict.
- (b) The Child Paternity and Support Act ensures that the interests of the mother and child born out of wedlock are protected. The "Children of Unmarried Parent Service" carries out the provisions of this Act by assisting the mother in planning for her own care and maintenance and for that of her child, as well as assisting the reputed father to assume his parental responsibilities by fulfilling obligations to the mother and child.
- (c) The Married Woman's Property Act provides that a woman may acquire, hold and dispose of property as if she is a femme sole.
- (d) The Guaranteed Available Income for Need Act provides financial assistance and social services essential for families unable to maintain themselves by their own efforts. These services and programs include:
 - (i) "GAIN Basic Income Assistance To Single Parent Families". This assistance provides security to mothers so that they may devote their time to raising their children.
 - (ii) "Day Care Services". To assist families in meeting the care needs of children up to twelve years of age through a variety of programs. Also to provide support when the parent is working, attending an educational institution or during prolonged illness or other family crisis.
 - (iii) "Special Services to Children". To provide time limited special services (e.g., child care workers) to families to enable children to grow up successfully in their own homes or communities.
 - (iv) "Homemaker Services". To provide temporary relief and support to families under stress in order to maintain or restore independant functioning in the community.
- (e) The Human Rights Code protects individuals from being discriminated against in the purchase of property, tenancy, employment and membership in trade unions and employers' and occupational associations because of their marital status. Specifically this Code protects individuals from being discriminated against because of their marital status.

B. Maternity protection

1. The principal laws governing maternity protection are:

Human Rights Code, R.S.B.C. 1979, c. 186

Employment Standards Act, R.S.B.C. 1979, c. 107, Part 7

Health Act, R.S.B.C. 1979, c. 161

Child Paternity and Support Act, R.S.B.C. 1979, c. 49

Guaranteed Available Income for Need Act, R.S.B.C. 1979, c. 158

2. (a) Pre-natal and post-natal medical and health care assistance are provided under the Health Act and carried out by the Community Public Health Nursing Services.

(i) The prenatal program provides educational programs, home visits and counselling. Topics such as nutrition, smoking, alcohol, fitness and coping with stress are covered. Special instruction is also provided for adopting parents, single mothers and parents planning for cesarian delivery.

(ii) Recognizing that the years from birth to school entrance can be of the utmost importance in determining an individual's health and future lifestyle, public health nurses continue to provide home visits and educational classes for these infants and their mothers.

(b) The Garanteed Available Income for Need Act provides a "Pre-natal and Post-natal Diet Allowance" program. A special diet allowance is provided to any recipient of income assistance who is pregnant.

3. Working mothers are protected against dismissal during a reasonable period before and after child birth under the Employment Standards Act, Part 7, the Human Rights Code and the Unemployment Insurance Act, 1971, S.C. 1970-71-72, c. 48.

(a) The Employment Standards Act, Part 7, protects the job security of working women while absent from work due to pregnancy. A woman who is pregnant may be absent from work for a period of 18 consecutive weeks and this period may be extended to 24 weeks for reasons related to the birth or the termination of the pregnancy as certified by a medical practitioner. This absence is considered to be leave without pay. The leave of absence may commence 11 weeks immediately before the estimated date of birth or at a later time as the employee requests. An employee may take this leave on her written request supported by a certificate of a medical practitioner stating that the employee is pregnant and estimating the probable date of the birth of the child.

The leave of absence shall not end before the expiration of six weeks following the actual date of the birth of the child or termination of the pregnancy unless the employee requests a shorter period. The employee must deliver to the employer a doctor's certificate stating that this employee gave birth or the pregnancy was terminated on a specified date.

An employee who resumes employment on the expiration of the leave of absence granted in accordance with this Act shall be reinstated in all respects by the employer in the position previously occupied by the employee, or in a comparable position, and with all increments to wages and benefits to which the employee would have been entitled had the leave not been taken.

- (b) The Human Rights Code, Section 8, protects pregnant women from being discriminated against under the "without reasonable cause" part of that section. Specifically if a pregnant women is discriminated against in employment because of her pregnancy the discrimination is considered to be a violation of the Human Rights Code unless the employer can show that the discrimination was reasonable. Given the above, the Human Rights Code protects pregnant women from being refused employment, refused continuation of employment, refused an advancement or promotion in employment or from being discriminated against in respect of employment or a condition of employment because of the fact that they are pregnant.
- (c) As explained in the federal part of this report, the Unemployment Insurance Act, 1971, S.C. 1970-71-72, c. 48, provides for financial assistance to women whose earnings are interrupted by maternity and who are eligible for benefits.

4. There are no specific measures for working mothers who are self-employed or participating in a family enterprise.

5. The Child Paternity and Support Act provides for the maintenance of the children from out of wedlock of married women who are living apart from their husbands.

C. Protection of children and young persons

1. The principal laws aimed at protecting and assisting children and young people in British Columbia include:

Family Relations Act, R.S.B.C. 1979, c. 121

Guaranteed Available Income for Need Act, R.S.B.C. 1979, c. 158

Human Resources Facility Act, R.S.B.C. 1979, c. 185

Family and Child Service Act, R.S.B.C. 1979, c. 119

Adoption Act, R.S.B.C. 1979, c.4
Child Paternity and Support Act, R.S.B.C. 1979, c. 49
Employment Standards Act, R.S.B.C. 1979, c. 107, Parts 2, 7,
and 8
Liquor Control and Licensing Act, R.S.B.C. 1979, c. 237
School Act, R.S.B.C. 1979, c. 375
Infants Act, R.S.B.C. 1979, c. 196
Public Trustee Act, R.S.B.C. 1979, c. 348
Provincial Court Act, R.S.B.C. 1979, c. 341
Health Act, R.S.B.C. 1979, c. 161
Mental Health Act, R.S.B.C. 1979, c. 256
Curfew Act, R.S.B.C. 1979, c. 87
Motion Picture Act, R.S.B.C. 1979, c. 284
Motor Vehicles Act, R.S.B.C. 1979, c. 288
Correction Act, R.S.B.C. 1979, c. 70

2. In general, the Family Relations Act, s. 56, provides that "each parent of a child is responsible and liable for the reasonable and necessary support and maintenance of the child". Special measures are provided by the Province for the care and education of children in at least these three circumstances: (i) when children are separated from their mother or deprived of a family, (ii) physically, mentally or socially handicapped children, and (iii) delinquent children.

(a) (i) Children separated from their mother or deprived of a family are protected by the Adoption Act. The purpose of this Act is to provide the same rights and privileges for adopted children as those of children born to both parents in a family. The adoption program places children of all ages for adoption when a child's immediate family and relatives are no longer able, capable or willing to care for him or her. If over twelve years of age, the child must give consent before adoption.

(ii) The Family and Child Service Act, s. 7(1)(e), provides that a child deserted by his or her parent(s) may be made a ward of the Superintendent of Child Welfare. The Foster Care Program established under this Act and the Guaranteed Available Income for Need Act provides substitute family care for a child to meet his or her physical, emotional and social needs. The Group Homes Program provides skilled, effective parenting or child care services to children who cannot remain in their own or foster homes but who are able to function within the community. The Repatriation of Children Program provides for children under seventeen years of age who are temporarily stranded in the Province and children of British Columbia stranded in other provinces or states.

(iii) The Guaranteed Available Income for Need Act provides several programs for the care of children. The Child

in the Home of Relative Program helps to maintain a child in the home of a relative when it is in the child's best interest to do so and when the child's parents are unable to provide for the child.

- (iv) The Infants Act and the Public Trustee Act provide for the care of a child's estate. The Public Trustee, where he is guardian of the estate of an infant, may provide for the maintenance and education of the child from money or other property held by him or to his account (Infants Act, s. 11).
- (v) The Family Relations Act, s. 2(2)(a) and (b), establishes a family advocate to represent the interests and welfare of the child at proceedings respecting the adoption, guardianship or custody of the child.
- (b) (i) The Guaranteed Available Income for Need Act establishes programs for the care and education of physically, mentally or socially handicapped children. The Family and Child Service Act, s. 6(1)(n) provides that children who have a serious physical handicap such as blindness or deafness or one that is likely to make him or her a charge upon the public can be made a ward of the Superintendent of Child Welfare. The following programs are established under these Acts:
 - (1) The Infant Development Program provides services to infants up to three years of age who exhibit significant development delays as a result of mentally or physically handicapping conditions.
 - (2) Children's Rehabilitation Resources enables children who are experiencing great difficulties at school for social and/or emotional reasons or who have dropped out of school to acquire basic skills which will make it possible for them to reenter the school system or proceed to further training or employment.
 - (3) Day-care services are provided for children up to the age of twelve to support a parent when working, attending an educational institution or during a prolonged illness or family crisis. Children with designated handicaps can receive specialized day-care services.
 - (4) Rehabilitation Resources for Handicapped Children provides support services in a school setting to children with exceptional physical and/or mental needs who would otherwise be excluded from education in a school setting.

- (5) Short term treatment services in therapeutic homes are available to help emotionally disturbed children or children with severe behavior disorders to control their behavior.
 - (6) Children who cannot remain in their own or foster homes but who are able to function in the community are provided with effective parenting or child care services in group homes.
 - (7) Specialized Treatment Resources makes professional care available on a twenty-four hour basis for children with emotional or behavioral difficulties or because of physical or mental handicaps.
 - (8) The Ministry of Human Resources has established a number of residential options to meet the needs of mentally handicapped children and their parents. Short Stay Hostels are for children who live at home with their parents. The hostel provides the parents with respite from time to time.
- (ii) The School Act includes provisions with specific reference to handicapped children. The school boards cover the cost of transport to the educational institute, the cost of education and training and provide school accommodation for mentally handicapped children (s. 157(1)(i)(m) and (n)). Under s. 105 children with eye sight so defective as to handicap their studies, who do not have the financial means may be provided with eyeglasses by the school board. Tuition fees for children who are confined for a period of one month or longer to a hospital or medical rehabilitation centre are covered by their local school board.
- (iii) The Health Act and the Mental Health Act also cover the care of handicapped children. Under the Mental Health Act, s. 25, a child in child-care resources may be placed in a provincial mental health facility if the Lieutenant Governor in Council receives two medical certificates. Children in residential settings are provided with developmental programs such as the Life Preparation Program covering development skills including childhood training, training in motor skills and visual and auditory perception. Adolescents receive additional programs of community orientation, pre-vocational training, behavior management and community living preparation.

The Ministry of Health also operates residential and day centre programs for adolescents with psychological, social and learning problems. The goal of the program is to equip the participants with the skills necessary

to re-enter the regular school system, to attend vocational training courses or to achieve job placement. Psychological Education Clinic works with children that schools cannot help in their system. It is a specialized unit treating children who have specific learning disabilities and emotional problems.

- (c) Delinquent minors are in most cases handled by the Provincial Court, Family Division (Provincial Court Act, s. 2(3)). The Juvenile Delinquents Act (Canada) is dealt with by this court. The Provincial Court Act, s. 3(6), protects minors from their identity being disclosed to the public. The Family Relations Act, s. 2(2)(d), provides that a lawyer may act as "family advocate" to attend a proceeding respecting the alleged delinquency of a child and intervene at any stage to act as counsel for the interests and welfare of the child.

Youths who come in conflict with the law are initially dealt with outside the court system. The Correction Act establishes the Corrections Branch (s.s. 2, 6, 3(b)) to supervise youth containment centres and provide probation officers for children in conflict with the law. Young persons are referred to probation officers for a pre-court inquiry. A probation officer can recommend no further action, diversion or court action. The Corrections Branch has the responsibility for the detention of youths awaiting trial, disposition or placement. The Correction Act, s.35, allows for the establishment of programs to cover restitution or compensation, community service, attendance, protection supervision and containment. Young persons in trouble with the law benefit from the coordinated services of the Corrections Branch.

3. Programs under the Family and Child Service Act and the Guaranteed Available Income for Need Act make available measures to protect children and young persons against economic, social and other forms of exploitation, neglect or cruelty.

The Family and Child Service Act, s. 6(1)(1), provides that children who have been found abused or neglected by the courts become wards of the Superintendent of Child Welfare. Such children are cared for under the Foster Care Program. Where possible the Superintendent will reintegrate a child into the family. This, however, will only be done if it is seen to be in the child's best interest. The Attorney-General may intervene to protect the legal interests of the child.

The area of child abuse and neglect has received special attention by the Ministry of Human Resources. The Helpline for Children was established to provide a toll-free, province-wide telephone line for reporting of concerns involving child protection. The Inter-Ministerial Child Abuse/Neglect Policy Handbook contains information about the identification of child abuse and

neglect and establishes guidelines for reporting and follow up procedures.

4. There are several provisions within the Province governing work by children and young persons. These cover such areas as: (a) the minimum age for paid and unpaid employment, (b) regulation of hours of work and rest, (c) prohibition or restriction of night work, and (d) penalties imposed for violations.

(a) The Employment Standards Act, Part 2, s. 23, regulates the employment of children under the age of fifteen in certain industries. Any employer wishing to employ a child under fifteen must receive a permit from the Minister of Labour. The Infants Act, s. 19, states that a child without a parent or guardian or who does not reside with his parent or guardian and is over the age of sixteen is fully liable under an engagement to perform service or work. Otherwise contracts of employment with children in their own name are voidable or void (s. 17, s. 18). The availability of children under fifteen for employment is restricted by the School Act, s. 113(1), which provides for compulsory attendance at a school during regular school hours every school day.

(b) The hours of employment of children are regulated by the School Act, s. 113(1) (see above). The Employment Standards Act, Part 2, allows for the inclusion of conditions in the work permit. These may include the number of hours during which a child may be employed. The Minimum Wage Order 1 (1975) under the Employment Standards Act, Part 8, affecting the minimum wage of school students reporting for work on school days on the call of an employer may also affect the hours of employment. It states that the minimum paid time is "the employee's regular hourly rate of pay for the entire period spent at the place of work..., with a minimum in any one day of two hours' pay at the employee's regular hourly rate".

(c) The Curfew Act may affect the night hours of employment. The Lieutenant Governor in Council may make regulations setting a curfew hour in rural areas and set the age of children affected.

(d) The penalty for violation of the Employment Standards Act, Part 2, s. 25 regulating the employment of children, is a maximum of fifty dollars for any employer who contravenes the employment conditions or maximum number of hours. The parent of the child is also liable to a fine up to fifty dollars.

5. Measures taken to prevent employment of children and young persons in work likely to be dangerous to life is controlled in the following manner. The Employment Standards Act, Part 2,

regulates child employment in the following industries: (1) manufacturing, (2) ship building, (3) electricity, (4) logging, (5) construction, (6) catering, (7) places of amusement, (8) mercantile, (9) shoe-shine, (10) automobile, (11) transportation, and (12) laundry, cleaning and dyeing. Persons over fifteen years of age are covered by the industrial hygiene standards established for the protection of persons in the work place by the Workers Compensation Act and the Industrial Health and Safety Regulations.

The Motor Vehicle Act, s. 24(6), restricts the operation of motor vehicles to persons over sixteen years of age. Taxi drivers must be over nineteen years of age (Motor Vehicle Act, s. 32(1)).

The Motion Picture Act, s. 8(3), provides for the classification of certain films restricting the admission to persons over eighteen years of age. Young persons under that age would not be permitted to work in the theatre.

The Liquor Control and Licensing Act, s. 41, makes it an offense for a minor to be present in a licensed establishment. An establishment owner holding a liquor license is not permitted to have a person under nineteen on the premises. This would restrict employment to persons over nineteen.

6. Although data is not available on the employment of children in the Province the following table of the "Number of Permits Issued per year, Under the Employment Standards Act, Part 2" provides some information. The majority of the permits were issued for persons employed in the catering industry.

Number of permits issued per year:

Year	Total number of permits issued
1974	463
1975	278
1976	239
1977	218
1978	223

From:
Ministry of
Labour, An-
nual Report,
1974, 1975,
1976, 1977,
1978

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

B. Right to adequate food

1. The principal acts designed to promote the right of everyone to adequate food are as follows:

Agricultural and Rural Development (B.C.) Act, R.S.B.C. 1979, c.7
Agricultural Land Commission Act, R.S.B.C. 1979, c. 9
Agricultural Land Development Act, R.S.B.C. 1979, c. 10
Agricultural Produce Grading Act, R.S.B.C. 1979, c. 11
Environment and Land Use Act, R.S.B.C. 1979, c. 110
Grasshopper Control Act, R.S.B.C. 1979, c. 156
Guaranteed Available Income for Need Act, R.S.B.C., 1979, c. 158
Health Act, R.S.B.C. 1979, c. 161
Livestock Act, R.S.B.C. 1979, c. 240
Livestock Industry Act, R.S.B.C. 1979, c. 243
Margarine Act, R.S.B.C. 1979, c. 250
Meat Inspection Act, R.S.B.C. 1979, c. 253
Milk Industry Act, R.S.B.C. 1979, c. 258
Natural Products Marketing Act, R.S.B.C. 1979, c. 296
Plant Protection Act, R.S.B.C. 1979, c. 329
School Act, R.S.B.C. 1979, c. 375
Seed Grower Act, R.S.B.C. 1979, c. 382
Seed Potato Act, R.S.B.C. 1979, c. 383
Soil Conservation Act, R.S.B.C. 1979, c. 391
Veterinarians Act, R.S.B.C. 1979, c. 423
Water Act, R.S.B.C. 1979, c. 429
Weed Control Act, R.S.B.C. 1979, c. 432

2. The measures taken to develop or reform existing agrarian systems, in order to achieve the most efficient development and utilization of natural resources, are as follows:

- (i) The most efficient utilization of our resources is achieved through the market place rewarding the efficient producer. The Natural Products Marketing Act and the Milk Industry Act establish boards which regulate the market place. These Acts will be discussed in the remaining sections.
- (ii) The research activity is focused on fields of maximizing potential gain and to reduce possible loss. This will be discussed in section 3.(a) below.
- (iii) The development of potential agricultural land is encouraged through the Agricultural Land Commission Act, the Environment and Land Use Act and the Agricultural Land Development Act. The Agricultural Land Commission is empowered to set aside certain land as agricultural land and restrict its future use to agricultural purposes. The Lieutenant Governor in Council may make orders respecting the environment and land use under the Environment and Land Use Act, s. 6. The Minister of Agriculture may enter contracts for the clearing and developing of land for farming under the Agricultural Land Development Act, s. 1. This includes drainage plans, irrigation plans, domestic water system plans, farm buildings and farm mechanization.

3. (a) In general, research is conducted by Agriculture Canada on research stations in the Province in close cooperation with provincial agrologists and by professors at the Faculty of Agricultural Science, University of British Columbia, with some financial support from the Government of British Columbia.

One such example of federal/provincial research is the Agriculture and Rural Development Subsidiary Agreement 1977-82 under the Agricultural and Rural Development (B.C.) Act. This Agreement provides programs and projects for the more efficient use and economic development of rural lands, water supplies, soil and community services.

The Agricultural Engineering Branch under the Agricultural Land Development Act provides an advisory service on designs for farm buildings and accessory equipment and the development of farm mechanization.

The Horticulture Branch under the Plant Protection Act provides applied research concerning domestic food plants.

The Poultry Testing Station is used as a research facility by the Poultry Branch.

Animal health is covered by the Veterinary Branch under a series of acts dealing with particular animals. Veterinary Field Services are responsible for diseases of animals and preventative veterinary medicine. The Veterinary Laboratory provides a diagnosis as to the cause of disease or death.

4. The reduction of food losses on the farm is recognized as an essential part of good management practice. It takes many forms which producers are helped to recognize by the branches already mentioned in section 3 and other specialist services.

(a) (i) Pest control is provided under the Plant Protection Act. The purpose of the Plant Protection Act is to protect plants and prevent the spread of insects, pests and diseases destructive to vegetation. The Grasshopper Control Act provides for the establishment of grasshopper control areas and provides funds for insecticides and the cost of their application.

(ii) Adequate storage facilities are provided by the Agricultural Produce Grading Act and the Milk Industry Act (see section 7 following).

(iii) The Soil Conservation Act controls soil removal and land filling activities on land in the Agricultural Land Reserve. The Soils Branch is concerned with the efficient use and conservation of British Columbia soil resources.

(iv) Water management is provided under the Agricultural and Rural Development (B.C.) Act and the 1977-82 Federal/Provincial Agreement which includes water conservation projects. The Agricultural Land Development Act provides for the drainage, irrigation and preparation of domestic water system plans.

(b) The following are measures to disseminate knowledge on the use of material, equipment and techniques:

- (i) The Agricultural Development and Extension Branch provides programs and services designed to assist people in rural British Columbia to achieve optimum development and utilization of their resources. District agriculturalists give technical advice on crop and animal production, farm business, management and marketing.
- (ii) Demonstration of agricultural technology and economics funded projects are aimed at demonstrating new advances in agricultural technology.
- (iii) The Field Crops Branch, administering the Seed Potato Act, Plant Protection Act, Seed Grower Act and Weed Control Act, is responsible for specialist services related to all field crops, range management soil, fertility and weeds.
- (iv) The Horticultural Branch provides technical assistance and consultation on tree fruits, berries, nuts, grapes, vegetables, mushrooms, greenhouse crops and nursery crops.
- (v) The Livestock Branch is responsible for the development of programs related to the production of livestock and livestock products.
- (vi) The Poultry Branch assists producers with all aspects of poultry and egg production. It provides advice on government programs, new techniques and research applicable to poultry operations.
- (vii) The Information Services Branch provides technical and general information on British Columbia's agriculture to farmers and the general public.

5. The Natural Products Marketing Act (B.C.) establishes ten commodity boards to support the principle of orderly marketing. The primary producer is provided with the means to join forces with other producers in maximizing crop returns through market supply and price stabilization.

The marketing boards have the authority under the Act, s. 2(2), to exercise "any powers considered necessary or advisable to

enable them effectively to promote, control and regulate the production, transportation, packing, storage and marketing of natural products in the Province".

Boards have the power to establish pricing on the farm level. Quotas can also be set by the boards, the form and application of which vary according to the commodity. These include shipping quotas (tree fruit and vegetables), limitation on the acreage that may be cultivated (cranberry) or production limits (poultry).

The Milk Industry Act establishes a milk board as a regulatory board not as a marketing board. The main responsibilities include licensing vendors and producers, classification system of qualifying milk, establishing minimum price paid to producers and establishing daily milk quotas.

6. The following measures to improve food consumption levels and nutrition have been taken:

- (i) Guaranteed Available Income for Need Act, B.C. Regs. 110/79, Schedule A, s. 10 provides for supplementary diet allowances for persons over sixty, handicapped or pregnant who need a special diet because of physical condition.
- (ii) Education is the means whereby adequate nutrition levels are maintained. Under the Natural Product Marketing Act (B.C.), the Marketing Service Branch is concerned with the advertising, promotion and marketing of British Columbia's agricultural products. This service includes preparing recipes, public demonstrations of the use of British Columbia's foodstuffs and a periodic publication.
- (iii) The Health Act provides for public health programs. The Nutrition Division of the Ministry of Health makes nutrition services available throughout the Province and makes information accessible to those at high risk of nutritional problems. Three groups were focal points for this information: (1) maternal and infant groups, (2) adults aged twenty - thirty-nine, and (3) senior citizens. Programs included counselling, publications, and television and radio series.
- (iv) The School Act, s. 97, allows for the provision of health services to public schools. This includes educational programs on nutrition.

7. The Province has taken the following measures to reduce food adulteration and contamination and to improve quality and safety of food as well as food hygiene.

- (i) The Agricultural Produce Grading Act., s. 3(2), provides for the establishment of a system of grading and marking of

produce except dairy products which are covered under the Milk Industry Act and the Margarine Act. The standards set by the Canada Agricultural Products Standards Act are incorporated by reference into the provincial legislation (s. 3(2)(e)). The Act covers sellers, purchasers, shippers and transporters of produce. Inspectors including those under the Department of Agriculture Act (Canada) and the Canada Agricultural Products Standards Act have the power to examine product at any point along the marketing chain of events.

(ii) The Meat Inspection Act is administered by the Health of Animals Branch, Agriculture Canada. This Act provides for the inspection of abattoirs.

(iii) The Health Act, ss. 57, 59, 61, provides for the inspection of places offering produce for sale, food storage and slaughter houses by public health inspectors or medical health officers. The focus of the Ministry of Health is on the development of comprehensive educational programs and regulations that set basic standards for the handling and storage of food.

8. Nutrition programs include those mentioned above. In addition the Ministry of Agriculture provides financial support for a telephone answering Food Information Service at the Department of Food Services at the University of British Columbia. Forty percent of the calls are concerned with nutrition while thirty percent are regarding the safety of certain foods.

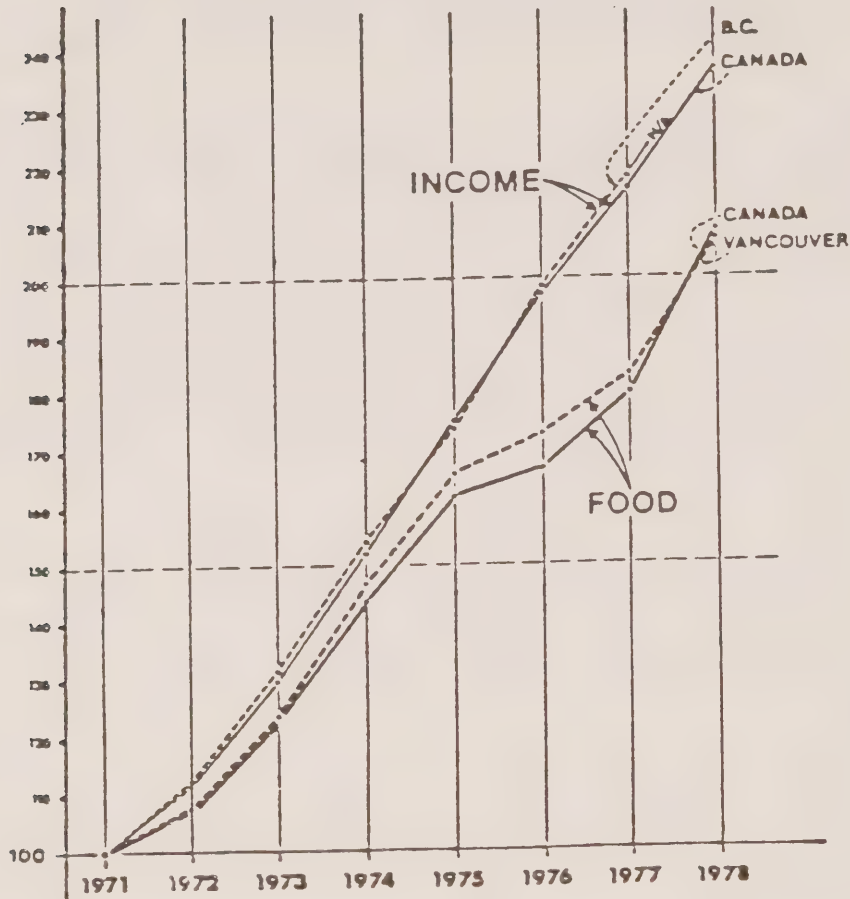
9. Since 1972, the Ministry has administered a program of agricultural aid to developing countries with an annual operating budget of three hundred and fifty thousand dollars. Grants are committed on a project basis usually through international sponsoring agencies after favourable review of applications which either aim to improve the local agricultural industry or identify natural disaster situations needing money for relief supplies.

The Ministry also provides representation on two national committees established principally to contribute to improvement of agricultural conditions in the third world. These are: (a) Voluntary Agricultural Development Aid, attached to the Canadian International Development Agency whose objective is to increase and diversify Canada's contribution in aid efforts focussing on agricultural development (including fisheries and forestry) and food aid, and (b) Canada Committee on International Agricultural Services, sponsored by Agriculture Canada whose terms of reference include an assessment of how Canadian agricultural expertise can best support her commitment to international aid projects, and to provide a forum for discussion about major international agricultural assistance and food aid programs.

Data on the Realization of the Right to Adequate Food

Indexes for Food and Personal Income Per Person

1971-1978 (1971=100)



Sources: Statistics Canada, Catalogue 13-201; System of National Accounts, National Income and Expenditure Accounts, 1963-1977, Table 36; and Catalogue 60-010: Consumer Prices and Price Indexes: print out of revised figures.

C. Right to adequate clothing

The Guaranteed Available Income for Need Act provides for a minimum guaranteed income to cover the basic needs which include clothing. The purchase of work clothes necessary to secure employment for persons receiving income assistance is provided by B.C. Regs. 110/79, s. 12(c).

D. Right to housing

1. The following legislation is designed to promote the right to housing:

Health Act, R.S.B.C. 1979, c. 161
Home Purchase Assistance Act, R.S.B.C. 1979, c. 172
Income Tax Act, R.S.B.C. 1979, c. 190
Municipal Act, R.S.B.C. 1979, c. 290
Pollution Control Act, R.S.B.C. 1979, c. 332
Residential Tenancy Act, R.S.B.C. 1979, c. 365
Shelter Aid for Elderly Renters Act, R.S.B.C. 1979, c. 385

2. Programs aimed at expanding housing construction include:
- (a) Social Housing - A portfolio of eight thousand social housing units is managed by the B.C. Housing Management Commission. Tenants pay twenty-five percent of their income for rent.
 - (b) Family First Home Grant - It is for families who have at least one dependent child under nineteen years living at home. Grants are given as one lump sum or on a monthly basis for five years. The grant cannot exceed twenty percent of the purchase price. Single parent or adoptive families also qualify.
 - (c) First Home Grant - It is for residents of British Columbia who do not have children living at home and are purchasing their first, moderately priced home. Both grants apply to old or new townhouses, condominiums and mobile homes.
 - (d) B.C. Second Mortgage - It is designed for people who need extra help in buying a home. It takes the form of a second mortgage loan with the interest rate based on the Canada Mortgage and Housing Corporation rate. There is no restriction on the type of home purchased. Additional aid is available if the total payment of the first and second mortgage plus taxes exceeds twenty-five percent of the family income. An interest-free loan can be made to reduce the monthly payments on the B.C. second mortgage down to an amortization of eight percent per year.
 - (e) Senior Citizen Housing Construction - To ensure that senior citizens have housing available at reasonable rents, funding is available to non-profit societies to build special purpose accommodation for elderly citizens in communities where suitable rental accommodation is not available.
 - (f) Rural and Remote Housing - It involves the construction and ongoing subsidization of housing for low income families living in rural and remote communities. Approximately nine hundred units have been built to date.
 - (g) Shelter Aid for Elderly Renters Act - It provides direct cash assistance monthly to those elderly renters paying in excess of thirty percent of their income on rent.

- (h) Shelter Allowance - Under GAIN, it provides appropriate shelter allowance benefits to eligible income assistance recipients.
- (i) Income Tax Act, s. 4 - The purpose of the renter's tax credit is to help offset high rents, especially for those with low or moderate incomes.

3. Building standards are established by the individual municipalities under the Municipal Act. The Ministry of Labour's Building Standards and Research Branch provides a technical advisory service on the use and application of the British Columbia Building Code. This includes an assessment of new building materials to be adopted by the Province, education programs for building inspectors and investigation into overlapping legislation and regulations that affect building standards.

The Safety Engineering Services Division of the Ministry of Labour provides inspection of boilers, electrical services and natural gas installation.

- 4. (i) The Rural and Remote Housing Program described in section D.2. provides for construction and subsidization of rural housing.
- (ii) The Pollution Control Act controls the disposal of pollutants into water systems through issuing permits by the Director of the Pollution Control Branch in the Ministry of the Environment.
- (iii) Under the Health Act the Division of Environmental Engineering offers technical and consultative support to Medical Health offices, government agencies, municipalities and individuals on matters relating to the design, operation and maintenance of water supplies, swimming pools, sewage works and solid waste programs.

Staff review water sources and works involved in getting drinking water safely delivered to consumers' taps.

- (iv) The Agricultural Engineering Branch of the Ministry of Agriculture is involved in several applied research projects aimed at finding practical solutions to rural farm wastes.

5. The Residential Tenancy Act provides secure tenure for tenants in British Columbia. The Act covers matters involving rented residential premises including: (a) termination of tenancies, (b) right to possession of residential premises, (c) disposition of security deposits, (d) disposition of abandoned chattels, and (e) contractual rights and obligations. Rent controls apply in certain circumstances. The Rent Review Commission, established under the Act, is empowered to conduct

research and inquire into any aspect of rent payments in general and to determine specific rent payments.

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

A. The principal legislation in the area of physical and mental health includes:

Ecological Reserve Act, R.S.B.C. 1979, c. 101
Factory Act, R.S.B.C. 1979, c. 118
Health Act, R.S.B.C. 1979, c. 161
Hospital Act, R.S.B.C. 1979, c. 176
Hospital District Act, R.S.B.C. 1979, c. 178
Hospital District Finance Act, R.S.B.C. 1979, c. 179
Hospital Insurance Act, R.S.B.C. 1979, c. 180
Greenbelt Act, R.S.B.C. 1979, c. 157
Medical Services Act, R.S.B.C. 1979, c. 255
Water Act, R.S.B.C. 1979, c. 429
Workers Compensation Act, R.S.B.C. 1979, c. 437
Guaranteed Available Income for Need Act, R.S.B.C. 1979, c. 158
School Act, R.S.B.C. 1979, c. 375

B. 1. Measures taken to reduce the stillbirth-rate and infant mortality include:

- (a) The Health Act provides for nutrition services for groups such as pregnant women and mothers of new infants. Services include informational publications, television and slide series and intensive counselling programs.
- (b) Community Public Health Nursing Services provides perinatal teaching and home visits. Forty-two percent of all mothers who gave birth during 1977-78 attended prenatal classes.
- (c) The Guaranteed Available Income for Need Act through the Prenatal and Post-natal Diet Allowance provides a special diet allowance to any recipient of income assistance who is pregnant.

- 2.(a) Programs for the healthy development of children have been discussed under Article 10. In addition to the Guaranteed available Income for Need Act and the Family and Child Service Act the Ministry of Health provides health services under the Health Act.

British Columbia has a comprehensive, universal health care system with very few direct patient charges. In terms of preventive care, there are one hundred and ten public health offices where a full range of prenatal and postnatal programs, as well as child development clinics, are held.

On the treatment side of the system, hospitals, home care programs, etc., naturally see large numbers of parents and children in the day-to-day management of disease and disability.

In addition, the Ministry funds a large number of agencies that are involved in preventive and support services. For example, it is involved with organizations such as Planned Parenthood, mental health organizations, the Cancer Society and so on.

- (b) The School Act, s. 97(1), provides that each school board will make provision for school health services and provide a school medical officer. Provision is also made under the Act for dental and eye care. Eye glasses may be provided by the school board.
 - (c) Under the Health Act, public health nurses visit young children and their mothers. Community care facilities for children have been licensed with the participation of public health nurses. In addition to vision screening, hearing tests are carried out in schools. Health education and counselling for students and their families are provided. Communicable disease screening services cover both children and teachers.
- 3.(a) Pollution of air, land and water is regulated under several pieces of legislation. The Pollution Control Act regulates industry, municipal or individual pollution to the environment through a permit system. The permit, if issued by the Director of the Pollution Control Branch, can set limits to the acceptable rate of discharge and means of discharge.
- (b) The Agricultural Land Commission Act, the Ecological Reserve Act and the Greenbelt Act all protect land from the encroachment of urban development.
 - (c) The Water Act regulates the use of water through the granting of licenses for the entitlement to divert, use, store water and to construct works on streams or to alter or improve streams.
 - (d) The Factory Act, R.S.B.C. 1979, c. 118, administered by the Occupational Environment Branch of the Ministry of Labour, ensures that factories, stores and offices provide environmental conditions that are conducive to the health, safety and comfort of employees. This includes a program of field inspections of lighting systems, heating systems, exhaust and make-up air systems and air contaminant controls to ensure that minimum environmental standards are being maintained.

A long term project of improving the environmental working conditions in the mining and forest related industries was undertaken by the Branch.

- (e) Under the Health Act, the Division of Occupational Health offers a multidisciplinary service to all provincial government and Crown corporation employees and acts in an advisory capacity to other organizations. The Radiation Protection Service is responsible for maintaining sources of ionizing radiation within the Province.
- (f) The Workers Compensation Act, Industrial Health and Safety Regulations, s. 13, establishes maximum concentration levels of air contamination for certain substances. Noise control requirements are also provided under this section. Radiation, heat and light levels are also regulated.

Special work conditions are established for operations including the use of asbestos, lead and lead components, and plastics and resins.

4. The Ministry of Health, through its Public Health Program, provides for immunization for such diseases as poliomyelitis, diphtheria, whooping cough and tetanus. Vaccines for influenza are also provided. Over four hundred and sixteen thousand immunizations were given in 1978. Sexually transmitted diseases such as gonorrhea and syphilis are being controlled and attempts are being made to reduce the incidence of these infections through programs to encourage public awareness and participation of community health nurses and physicians in combatting this disease.

The School Act, ss. 100, 106, provides for the handling of pupils and teachers with a communicable disease.

A comprehensive compensation scheme for work related injuries or certain industrial diseases is provided by the Workers Compensation Act.

5. The Medical Services Act established the Medical Services Plan of British Columbia which provides prepaid medical coverage upon uniform terms and conditions for all residents of the Province and their dependants. Insured services under the plan are paid for insured persons regardless of age, state of health or financial circumstances, provided the premiums fixed by the Commission are paid.

In addition to this basic, comprehensive health care, persons under sixty who receive GAIN payments, children in the care of the Superintendent of Child Welfare or senior citizens are eligible for dental, optical and other health programs.

Pharmacare, B.C. Reg. 332/77, provides a free drug program for senior citizens, GAIN recipients and children in care and citizens in long term care facilities. Universal Pharmacare provides partial protection against major drug and other expenses for all citizens not receiving benefits on a fully paid basis.

6. Medical care arrangements function primarily under the Hospital Act which controls the organization and operation of hospitals. Hospitals are classified as: (1) public hospitals which are non-profit hospitals caring primarily for acutely ill persons, (2) private hospitals which are operated in remote areas by industrial concerns, and (3) rehabilitation and extended-care hospitals which are non-profit hospitals for long term care.

The Hospital Insurance Act authorizes the establishment of the Hospital Insurance Fund from which grants are made to hospitals toward operating expenses and capital costs. The Hospital District Act provides a mechanism for financing the capital cost of hospital buildings and equipment. The Hospital District Finance Act establishes an authority to assist in financing of hospital projects, medical and health facilities and other facilities for the benefit of the community. The financing of hospital facilities is on a shared cost basis with federal/provincial governments.

C. The following statistical material covering infant mortality and doctors per inhabitant indicates the realization of the right to health.

(a)	1978	<u>Canada</u>	<u>B.C.</u>
	Perinatal Mortality ¹	15/per 1,000 births	12/per 1,000 births
	Low Birth Weight ²	5.9%	5.7%

(b) The number of active physicians/population ratio in British Columbia as of September 1977 varies from urban centres (Victoria) of 1:400 to rural centres (Squamish-Lillooet) of 1:1277. The average ratio for the Province was 1:559. This fell in 1978 to 1:548. (Source: Health Manpower Research Unit, Ministry of Health, B.C.)

1. For the purposes of this document "perinatal mortality" includes all still births of twenty weeks or more gestation, plus infant deaths under seven days.

2. Low birth weight is two thousand and five hundred grams or five and a half pounds or less.

3. PRINCE EDWARD ISLAND ¹

INTRODUCTION

(a) Preliminaries

This report follows the "General Guidelines for reports on Articles 10-12 of the International Covenant on Economic, Social and Cultural Rights" issued by the Secretary-General of the United Nations. The headings of the guidelines will serve as headings for the information presented in the report.

As suggested in the guidelines the report will attempt to account for the basic conditions prevailing in the province and for the laws, programs and institutions relevant to Articles 10-12. For further information on matters indirectly related to these articles, the Prince Edward Island section of Canada's report on Articles 6-9 of the International Covenant on Economic, Social and Cultural Rights, and of Canada's report on the International Covenant on Civil and Political Rights could be consulted.

As suggested in the guidelines copies of the principal laws, regulations and collective agreements mentioned in the report will be forwarded to the Secretary-General of the United Nations as reference material.

(b) General conditions prevailing in the province

Most of the rights recognized in Articles 10-12 have been enforced in Prince Edward Island either by law or by government sponsored programs. In general, recourses exist for violations of these rights either through the court system, or through internal administrative review procedures, or through the Prince Edward Island Human Rights Commission whose role will be described below.

Most of the pertinent legislation and programs were already in place when Canada acceded to the Covenant in 1976. However, many developments have taken place since 1976. For example, the Human Rights Act, adopted in 1975, came into force on September 11, 1976. Also worth mentioning are the Family Law Reform Act, adopted in 1978, and the Family and Child Services Act, adopted in 1981. These acts will be reviewed below under pertinent headings.

Finally, it should be mentioned that non-government organizations also play an important role, often with government

1. Report prepared by the Department of the Secretary of State in consultation with the Government of Prince Edward Island.

support, in the implementation of the provisions of these articles, principally by assisting people and families in need and by the advocacy role they play in favour of disadvantaged groups.

(c) Remarks on headings E (1) to (5) of the guidelines

- (1) The right of peoples to self-determination, as recognized in Article 1 of the Covenant;
- (2) Measures taken to guarantee the exercise of the rights covered by Articles 10-12 without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 2(2));

The Human Rights Act, S.P.E.I. 1975, c. 72, is the principal legislation dealing with human rights in Prince Edward Island. This act replaced the Human Rights Code, which had been adopted in 1968.

The Act is primarily an anti-discrimination legislation which prohibits discrimination with respect to the enjoyment of accommodation, services and facilities to which members of the public have access, with respect to the occupancy of any commercial unit or self-contained dwelling unit or accommodation in a housing unit that is used to provide rental accommodation, with respect to the acquisition of property, and with respect to employment, and membership in employees' organizations or professional, business or trade associations.

"Discrimination" is defined in the Act as meaning discrimination in relation to the race, religion, creed, colour, sex, marital status, ethnic or national origin, age, physical disability or political belief as registered under section 24 of the Election Act, R.S.P.E.I. 1974, Cap. E-1 of any individual or class of individuals.

Section 1(2) gives the Act paramountcy over all other laws of the province in the following manner:

"This Act shall, at the expiration of three years from the date of this Act coming into force, be deemed to prevail over all other laws of this province and such laws shall be read as being subject to this Act; between the date of this Act coming into force and the expiration of the said three year period it is the express intention of the legislature that inconsistencies between the statutes and regulations of this province and this Act be removed."

As the Act came into force on September 11, 1976, this section came into force on September 11, 1979.

The Act is administered by the Prince Edward Island Human Rights Commission established under its provisions. The commission is responsible to a minister charged with the administration of the Act by the Lieutenant Governor in Council. Section 18 describes its mandate as follows:

"The commission shall

- (a) administer and enforce this Act;
- (b) develop a program of public information and education in the field of human rights to forward the principle that every person is free and equal in dignity and rights without regard to race, religion, creed, colour, sex, marital status, ethnic or national origin, age, physical disability or political belief as registered under section 24 of the Election Act;
- (c) advise the government on suggestions, recommendations and requests made by private organizations and individuals;
- (d) report as required by the Minister on the business and activities of the commission;
- (e) consider, investigate or administer any matter or activity referred to the commission by the Lieutenant Governor in Council or the Minister."

Section 19 provides that the commission may approve programs of government, private organizations or persons designed to promote the welfare of any class of individuals and that any approved program shall be deemed not to be a violation of the provisions of the Act.

Complaints made under the Act are investigated by the commission which endeavours to effect a settlement. If the commission is unable to effect a settlement, the minister responsible for the administration of the Act may appoint a board of inquiry to conduct a public inquiry and seek a settlement. Such a board of inquiry has all the powers of a commissioner under the Public Inquiries Act. If the board of inquiry is unsuccessful, the commission must submit its recommendations to the minister who may issue whatever order considered necessary to carry them.

The Act provides for penalties under summary conviction for violations of its provisions or for refusal or neglect to comply with an order made under its provisions.

- (3) To what extent non-nationals are guaranteed the rights dealt with in Articles 10-12;

In general, non-nationals who are permanent residents in Canada enjoy the same rights as nationals with regard to the articles under review. It can also be recalled that the Human Rights Act prohibits discrimination in various sectors of activities, on the basis of "national origin" among other things.

The Prince Edward Island Human Rights Commission has issued guidelines concerning inquiries that can be made from candidates for employment. In these guidelines, pre-employment inquiries as to birthplace, applicant's nationality or nationality of parents, grand-parents, relatives, or spouse, and inquiries into citizenship status that would tend to divulge nationality, ancestry or place of origin are considered not acceptable.

- (4) Measures taken under Article 3 of the Covenant to ensure the equal rights of men and women to the enjoyment of the rights set forth in Articles 10-12;

As mentioned earlier the Human Rights Act prohibits discrimination in various sectors of activity on the basis of a number of factors including sex.

- (5) Limitations which may have been imposed upon the exercise of the rights set forth in Articles 10-12, the reasons therefor, and safeguards against abuses in this regard, with copies of the relevant laws, regulations and court decisions (Articles 4 and 5).

In general, there are no limitations imposed on the exercise of the rights set forth in Articles 10-12. When such limitations exist, they are considered as being in conformity with the terms of the Covenant. Safeguards against abuses exist in the form of recourses to the courts or to administrative tribunals such as the boards of inquiry set up under the terms of the Human Rights Act.

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

- (1) Principal laws, administrative regulations and collective agreements designed to promote protection of the family, and relevant court decisions, if any;

The principal laws dealing with the protection of the family which will be reviewed under the following headings are:

the Marriage Act, R.S.P.E.I. 1974, c. M-5;
the Premarital Health Examination Act, R.S.P.E.I. 1974, c. P-17;
the Family Law Reform Act, S.P.E.I. 1978, c. 6;
the Welfare Assistance Act, R.S.P.E.I. 1974, c. W-4;
the Dependants of a Deceased Person Relief Act, R.S.P.E.I. 1974, c. D-6; and

the Child-Care Facilities Act, R.S.P.E.I. 1974, c. C-5.

The Province of Prince Edward Island has also established a Family Court to serve the family as explained below.

Family Court

The Family Division of the Prince Edward Island Supreme Court was established in July 1975. Known as the Family Court it has jurisdiction in family law matters except those matters of a family nature arising out of actions under the Criminal Code of Canada.

A Family Court Judge can hear cases involving adoption, juvenile delinquency, divorce, custody of children and spouses and protection of children, among other matters. In effect the Family Court in Prince Edward Island is a single court with jurisdiction to deal with virtually every family law matter.

The Family Court has as its primary concern the well-being and best interests of all family members regardless of the nature of the case. In matters of a marital nature, the Court and its support services function to restore the marriage to a healthy state when possible. When parties have decided on a course of action such as separation or divorce, efforts are made to assist them in settling their differences harmoniously.

The Family Court may seek the assistance and support of a variety of community agencies and resources. The Department of Health and Social Services provides support services to the Family Court in adoption, child protection and most juvenile delinquents' matters.

The Department of Justice has employees known as family counsellors who work closely with the Family Court. While the family counsellors work out of a Charlottetown office, they maintain office hours in Regional Service Centres across the province.

Family counsellors provide several services:

- . Providing information and direction of a non-legal nature to persons experiencing marital difficulties.
- . Responding to and appropriately referring persons to services where a family difficulty is of a legal nature.
- . At the request of the Court, conducting assessments and compiling reports on matters involving custody, visitation rights, maintenance, etc.
- . Assessing some cases where action under the Juvenile Delinquents Act (Canada) is taken.

- . Supervising and enforcing orders made by the Court.
- . Providing marriage counselling on a short-term basis.
- . Performing an education and public relations role by interpreting the function of the Family Court and related services.

Family counsellors respond to referrals from judges, police, lawyers, clergy, social agencies as well as accepting private and individual referrals.

- (2) Guarantees of the right of men and women to enter into marriage with their full and free consent and to establish a family; measures taken to abolish such customs, ancient laws and practices which may affect the freedom of choice of a spouse;

The celebration of marriage is regulated through the Marriage Act, R.S.P.E.I. 1974, c. M-5, and the Premarital Health Examination Act, R.S.P.E.I. 1974, c. P-17.

Under the terms of the Marriage Act, both parties to an intended marriage must have attained the full age of 16 years, except in the case of a female person who is shown by the certificate of a duly qualified medical practitioner to be either pregnant or the mother of a living child.

Persons under 18 years of age must obtain consent from their parents, or from a duly authorized person where both parents are dead or mentally incompetent. A judge of the County Court may grant an order dispensing with the consent.

The parties to an intended marriage must obtain a licence from an issuer of licences appointed by the Lieutenant Governor in Council. To obtain such a licence the parties must pay the prescribed fee (five dollars in 1982), deliver an affidavit of particulars in the prescribed form, provide a birth certificate and deliver the certificate required to be filed under the Premarital Health Examination Act.

The Premarital Health Examination Act provides that every person who intends marriage in the province shall submit to an examination of his/her condition of health by a physician. The examination is designed to determine any infection with syphilis. The results of the examination are communicated to the parties to the marriage and to the Chief Health Officer of the province. The results of the examination, however, are not contained in the certificate required for the issuance of the marriage licence and they have no bearing on the decision to issue the licence.

The relationship between husband and wife was redefined in the Family Law Reform Act, S.P.E.I. 1978, c. 6, adopted in 1978. The

basic premises of the Act are that marriage is a partnership, that the spouses jointly contribute to the partnership in terms of child care, household management or financial provision and should each be entitled to an equitable share of the family assets, and that married women should have the same legal rights, obligations and opportunities as married men. The Act deals mainly with family property (family assets) and support obligations in the family.

"Family assets" is defined in the Act as meaning a matrimonial home and property owned by one spouse or both spouses and ordinarily used or enjoyed by both spouses or one or more of their children while the spouses are residing together for shelter or transportation or for household, educational, recreational, social or aesthetic purposes, and includes, among other things, money in an account with a chartered bank, savings office, credit union or trust company where the account is ordinarily used for shelter or transportation or for household, educational, recreational, social and aesthetic purposes.

A "matrimonial home" is a property in which a married person has an interest and that is or has been occupied by the married person and his or her spouse as their family residence.

The Act provides that no spouse shall dispose of or encumber any interest in a matrimonial home unless the other spouse joins in the instrument or consents to the transaction, or the other spouse has released all rights in the home by a separation agreement, or the transaction is authorized by court order or an order has been made releasing the property as a matrimonial home, or the property is not designated as a matrimonial home under the Act and an instrument designating another property as a matrimonial home of the spouses is registered and not cancelled.

In case of divorce, or annulment of the marriage, or separation, each spouse is entitled to have the family assets divided in equal shares by value notwithstanding the ownership of the assets by the spouses as determinable for other purposes. The division of the assets will be determined by the Family Court upon application of one of the spouses. In making the division the court will take into consideration the equity owned by each spouse when they entered into marriage. The court can make a division of family assets resulting in shares that are not equal if it is of the opinion that a division in equal shares would be inequitable, having regard to a number of contingencies enumerated in the Act.

With regard to support obligations the Act provides that every spouse has an obligation to provide support for himself or herself and for the other spouse, in accordance with need, to the extent that he or she is capable of doing so (section 16).

(3) Measures to facilitate the establishment of a family such as subsidies or installation grants, provision of housing and other benefits;

The measures aimed at maintaining, strengthening and protecting the family which will be reviewed below under the next heading may indirectly facilitate the establishment of a family.

- (4) Measures aimed at maintaining, strengthening and protecting the family, such as family allowances, tax-exemption facilities, child-care institutions, etc.

Various measures contribute to the maintenance, strengthening, and protection of the family.

Under the Family Law Reform Act, S.P.E.I. 1978, c. 6, spouses have an obligation to provide support for each other, parents have an obligation to provide support for their children, and children who are not minor have an obligation to provide support for their parents, in all cases in accordance with need and to the extent that they are capable of doing so.

In case of failure of a person to provide support for his or her dependants, the Family Court, upon application, may order such support to be provided and determine the amount of support.

Families who cannot meet their needs can receive assistance from the province under the terms of the Welfare Assistance Act, R.S.P.E.I. 1974, c. W-4. The particulars of that legislation will be explained below under heading 11-A.

The Dependants of a Deceased Person Relief Act, R.S.P.E.I. 1974, c. D-6, provides that, where a deceased has not made adequate provision for the proper maintenance and support of his dependants or any of them, the Supreme Court of Prince Edward Island, on application by or on behalf of the dependants or any of them, may order that such provision as it deems adequate be made out of the estate of the deceased for the proper maintenance and support of the dependants or any of them (section 2).

In addition, where, upon an application for an order, it appears to the court that

- (a) the deceased has within one year prior to his death made an unreasonably large disposition of real or personal property
 - (i) as an immediate gift inter vivos, whether by transfer, delivery, declaration of revocable or irrevocable trust or otherwise, or
 - (ii) the value of which at the date of the disposition exceeded the consideration received by the deceased therefor; and
- (b) there are insufficient assets in the estate of the deceased to provide adequate maintenance and support for the dependants or any of them;

the court may, subject to certain considerations, order that any person who benefited, or who will benefit by the disposition pay to the executor, administrator or trustee of the estate of the deceased or to the dependants or any of them, as it may direct, such amount as it deems adequate for the proper maintenance and support of the dependants or any of them.

The Visiting Homemaker Service is designed to help individuals and families maintain a normal routine during times of crisis. A homemaker is placed in a home in emergency situations when there are no other resources available to meet the crisis adequately. Such situations include the desertion or death of a parent, the hospitalization of a parent, and the sickness or convalescence of a parent at home when there are children and no other help can be found.

Child care facilities are offered to parents by private or community sponsored operators who provide care to children. Such facilities are licenced by the province under the Child Care Facilities Act, R.S.P.E.I. 1974, c. C-5. The Department of Health and Social Services provides information and guidance to parents in the selection of child care facilities for their children. Parents who need it can obtain subsidies for the day care of their children.

Other services provided to families include the services provided by public health nurses and by churches and community organizations.

Family allowances and income tax-exemption facilities are the responsibility of the federal government.

In terms of tax exemptions the following items are exempted from the sales tax levied by the province: food, clothing, footwear, prescribed drugs, cleaning supplies, insulation material, electricity, wood-burning equipment and all heating products.

B. Maternity protection

- (1) Principal laws, administrative regulations and collective agreements governing the various aspects of maternity protection and relevant court decisions, if any;

The principal laws which contain provisions dealing with the protection of maternity which will be reviewed below include:

the Labour Act, R.S.P.E.I. 1974, c. L-1;
the Family Law Reform Act, S.P.E.I. 1978, c. 6;
the Reciprocal Enforcement of Maintenance Orders Act, R.S.P.E.I. 1975, c. R-8;
the Welfare Assistance Act, R.S.P.E.I. 1974, c. W-5;
the Workers' Compensation Act, R.S.P.E.I. 1974, c. W-10;
the Fatal Accidents Act, S.P.E.I. 1978, c. 7; and
the Dependants of a Deceased Person Relief Act, R.S.P.E.I. 1974, c. D-6.

Various programs, with regard in particular to "pre-natal and post-natal protection and assistance", and collective agreements, with regard to maternity leave for pregnant workers, will also be reviewed.

- (2) Pre-natal and post-natal protection and assistance, including appropriate medical and health care and maternity and other benefits irrespective of marital status;

The Prince Edward Island health system provides free medical care and hospitalization for persons expecting a baby. Most births take place in hospitals where both the mother and the baby can receive all necessary medical attention.

Before birth, expectant parents can attend pre-natal classes given by public health nurses. If attendance is impossible, a nurse can provide individual teaching at home.

A public health nurse will visit the mother in hospital and again at home after the mother and child have returned from hospital. The nurse is available to help the parents with healthy child care practices. If a problem should develop, the nurse will help obtain the proper medical assistance.

- (3) Special protection and assistance accorded to working mothers including paid leave or leave with social security benefits and guarantees against dismissal during a reasonable period after child birth;

Measures concerning maternity leave for pregnant workers are contained principally in the Labour Act, R.S.P.E.I. 1974, c. L-1, and in collective agreements passed between workers and their employers.

The Legislative Assembly of Prince Edward Island on May 7, 1982, amended the Labour Act by inserting in the Employment Standards part of the Act maternity leave provisions which assure pregnant workers who have been in the employment of the employer for a continuous period of 12 months or more unpaid maternity leave of at least eleven weeks before the estimated date of birth and six weeks after the actual date of birth. The new provisions also assure the worker that she would be re-employed in the position occupied by her at the time such leave commenced or in a comparable position with not less than the same wages and benefits and with no loss of seniority or pension benefits. Included also in the new legislation is the granting of unpaid adoption leave to a female employee who is adopting a child six years of age or younger. The length of unpaid adoption leave is a maximum of six weeks.

The following paragraphs will review the maternity leave provisions of the main collective agreements in the public sector. The following categories of workers are covered by these

agreements: civil servants employed by the provincial government, nurses employed by the general hospitals and other hospital workers, teachers employed in public schools, and nurses employed by addiction services.

The Agreement Between the Government of the Province of Prince Edward Island and the Prince Edward Island Public Service Association, Inc. provides that the Employing Authority may grant leave of absence without pay for a period of up to four consecutive months to employees for reason of birth or adoption of a child, and, that, upon completing the period of leave authorized, a permanent employee shall return to the same position held prior to the commencement of the leave (Article 24).

Under the Collective Agreement Between the General Hospitals of Prince Edward Island and the Provincial Collective Bargaining Committee on behalf of the nurses employed by those hospitals, pregnant employees can obtain a five month leave of absence without pay for maternity. Prior to proceeding to maternity leave, an employee can be granted sick leave, as provided for in the Agreement, for complications associated with her pregnancy excluding normal delivery and for that period she is confined to bed on doctor's orders.

Under the Agreement an employee returning to work from maternity leave must be reinstated to her previously held position.

The Agreement also provides for a special leave without pay of up to four months to be granted to employees who adopt a child.

The agreements passed between the addiction services (there are three such agreements in the province) and their employees represented by the Provincial Collective Bargaining Committee contains provisions similar to those mentioned above, but the period of leave for maternity or for adoption is six months rather than five and four as in the previous case.

Hospital workers, except nurses who are covered by the first agreement reviewed above and doctors and members of management who are not unionized, have a right to maternity leave under the Collective Agreement Between the General Hospitals of Prince Edward Island and the General Hospital Employees Association.

Under the Agreement pregnant employees can take a leave of absence without pay to a maximum period of five months before, during or after confinement. The employer can require the employee to commence leave without pay at a time when the duties of her position cannot reasonably be performed by a pregnant woman or the performance of the employee is materially affected by the pregnancy.

Prior to proceeding on maternity leave, paid sick leave is granted to an employee while hospitalized for complications

associated with her pregnancy excluding delivery and for that period she is confined to bed on doctor's orders immediately following hospitalization. Sick leave benefits are also granted during the maternity leave for allied conditions requiring hospitalization or confinement and where such confinement is supported by a certificate signed by a qualified medical practitioner.

The Agreement provides protection against termination of employment because of pregnancy for employees of at least one year of service and it recognizes the right of an employee to be reinstated in a staff position at the same level as previous to her leave, when she returns to work.

Finally, the Memorandum of Agreement Between the Province of Prince Edward Island and the Prince Edward Island Teacher's Federation entitles pregnant teachers to take leaves of absence for maternity purposes. Under the Agreement a teacher is entitled to use a maximum of 10 days of paid leave per school year for maternity, and additional unpaid leave for a total of 15 weeks, or 20 weeks with a medical certificate stating that the employee cannot return to work before that period.

A teacher is entitled to a paid leave of absence of ten days and to an extended unpaid leave period for a total of four months for the adoption of a child.

Upon completion of the period of leave a teacher shall return to the same position held prior to the commencement of the leave.

The Agreement also provides that a teacher must be granted a leave of absence when there is a sufficient number of cases of rubella in the school where she teaches to endanger the life of the foetus.

As explained in the federal part of this report maternity benefits are provided by the federal government under the terms of the Unemployment Insurance Act, 1971.

- (4) Specific measures, if any, in favour of working mothers who are self-employed or participating in a family enterprise, especially in agriculture or in small crafts and trades, including adequate guarantees against loss of income;

Mothers who are participating in a family enterprise receive protection from the Family Law Reform Act, S.P.E.I. 1978, c. 6, which provides that "Where one spouse or former spouse has contributed work, money or money's worth in respect of the acquisition, management, maintenance, operation or improvement of property, other than family assets, in which the other has or had an interest, upon application, the court may by order a) direct the payment of an amount in compensation therefor; or b) award a share of the interest of the other spouse or former spouse in the property appropriate to the contribution". (Section 9(1)).

- (5) Specific measures designed to assist mothers to maintain their children in the case of their husbands' death or absence.

Various possibilities of assistance are available to mothers to assist them maintain their children in case of their husbands' death or absence.

Under the terms of the Family Law Reform Act, S.P.E.I. 1978, c. 6, spouses have an obligation to provide for each other and for their children. In the case of her husband's absence a dependent mother could therefore obtain support from him for herself and her children to the extent of their need and of his capacity.

The husband could be ordered by a court to provide such support in the amount determined by the court. Measures to compel the execution of the order, including the attachment of wages, are provided for in the Act.

Under the Reciprocal Enforcement of Maintenance Orders Act, R.S.P.E.I. 1974, c. R-8, a beneficiary of a maintenance order can obtain the enforcement of the order in any province in Canada, any part of the British Commonwealth of Nations or any foreign state which is a reciprocating state with regard to the enforcement of maintenance orders.

Under the Welfare Assistance Act, R.S.P.E.I. 1974, c. W-4, all persons in need are entitled to receive welfare assistance. For the purposes of the Act, "person in need" means:

- "(i) a person who by reason of
- (A) inability to obtain employment,
 - (B) loss through death or otherwise of the primary provider in the family,
 - (C) illness, disability, age or other cause
- is found to be unable to provide adequately for himself or his family on the basis of a test that relates his liabilities to his assets available to meet those liabilities, or
- (ii) a person under the age of eighteen years who is in the care or custody of or under the supervision or control of a child welfare authority,
- (iii) a foster child, and
- (iv) for the purpose of paying for funerals and burials includes the estate of a deceased person where the person prior to his death was a person described in subclauses (i), (ii) or (iii)."

The dependent widow of a worker who died as a result of an accident arising out of and in the course of employment is entitled to compensation under the terms of the Workers' Compensation Act, R.S.P.E.I. 1974, c. W-10. The compensation consists of a lump sum payment and thereafter monthly payments for herself and each child under the age of sixteen years. If the widow remarries, the right to compensation ceases, but she is still entitled to receive monthly payments for a period of twelve months and the payments in respect of her children continue until the children reach the age of sixteen years.

A dependent common law spouse also can obtain compensation if she had cohabited with the deceased person for five years immediately preceding his death or for two years if the couple had one or more children.

The Fatal Accidents Act, S.P.E.I. 1978, c. 7, provides that where the death is caused by a wrongful act, the wrongdoer is liable to the surviving dependants of the deceased for damages.

Finally, as explained above under heading 10A(4), the Dependants of a Deceased Person Relief Act, R.S.P.E.I. 1974, c. D-6, provides that the Supreme Court of the province can order that provisions be made out of the estate of a deceased person for the maintenance of his dependants when the deceased has not made proper provision for their maintenance.

C. Protection of children and young persons

- (1) Principal laws, administrative regulations and other measures including collective agreements and court decisions, if any, aimed at protecting and assisting all children and young persons, in order to give them opportunities and facilities for their healthy physical and psychosocial development without distinction or discrimination on account of birth, social origin or other conditions;

The principal legislative measures dealing with the protection of children are contained in the Family and Child Services Act, S.P.E.I. 1981, c. 12, in the Adoption Act, R.S.P.E.I. 1974, c. A-1, and in the Minimum Age of Employment Act, R.S.P.E.I. 1974, c. M-11. Other relevant measures can also be found in the Welfare Assistance Act, R.S.P.E.I. 1974, c. W-4, in the Dependants of a Deceased Person Relief Act, R.S.P.E.I. 1974, c. D-6, in the Family Law Reform Act, S.P.E.I. 1978, c. 6, in the School Act, R.S.P.E.I. 1974, c. S-2, and in the Workers' Compensation Act, R.S.P.E.I. 1974, c. W-10. The relevant provisions of these acts will be reviewed below under the appropriate headings.

It should be noted at the outset that the legislation concerning children is principally aimed at their protection and that it

generally puts priority on the "best interest of the child". This concept is often explicit in the legislation as is the case for example in the Family and Child Services Act. Section 2 of this Act states that in its administration and interpretation the best interest of the child shall be the paramount consideration. Under the Act "best interests of the child" means the best interests of the child under the circumstances having regard, in addition to all other relevant considerations, to

- (i) the need of the child for continuing parental care and guidance,
 - (ii) the mental, emotional and physical health of the child including any special needs for care and treatment,
 - (iii) the views and preferences of the child, where such views and preferences can be reasonably ascertained,
 - (iv) the love, affection and ties that exist between the child and each person to whom the custody of the child is or might be entrusted,
 - (v) the capacity of each parent to properly discharge parental obligations,
 - (vi) the capacity of each person to exercise custody rights and duties as would a parent,
 - (vii) the material, intellectual and spiritual well-being of the child,
 - (viii) the importance of family relationships in the life, growth and development of the child.
- (2) Special measures for the care and education of children, separated from their mothers or deprived of a family; physically, mentally, or socially handicapped children; and delinquent minors;

Under the Family Law Reform Act, parents have an obligation, to the extent of their capacity, to provide support, in accordance with need, for their children who are unmarried and are under the age of 18 years.

Under the Family and Child Services Act the Director of Child Welfare may offer and provide child care services where necessary to assist parents in providing for the care of children who may be in need of protection. The Director of Child Welfare can also take measures for the placement and care of a child for whom the parent or person in whose custody he/she is neglects, refuses or is unable to provide the services and assistance needed by the child because of the child's physical, mental or emotional

handicap or disability. The measures include the physical removal of a child in need of protection from the custody of his/her parents or guardian.

Under the Act, where it appears to the Director of Child Welfare that a child who is unable to look after and care for himself/herself is temporarily without any person able to look after and care for him/her in his/her home, the Director may place a person in the home as a homemaker to care for the child during that temporary period.

The Act also provides that a parent or other person having actual custody of a child can enter into an agreement with the Director of Child Welfare or an agency approved by the Lieutenant Governor in Council transferring temporarily or permanently to the Director or to the agency the custody or guardianship of the child.

In all cases where a child is placed under the custody or guardianship of the Director of Child Welfare or an agency approved by the Lieutenant Governor in Council, the Director or agency has authority to determine a plan of care for the child, including the matters of placement, access, and referral to medical and social services, and to provide educational and training opportunities in keeping with the child's intellectual and emotional capacity and needs.

The Welfare Assistance Act provides for assistance to be provided to persons in need including: persons who by reason of loss through death or otherwise of the primary provider in the family, or disability, are unable to provide adequately for themselves; persons under the age of eighteen who are in the care or custody of or under the supervision or control of a child welfare authority; and foster children.

As explained above under heading 10A(4), under the Dependants of a Deceased Person Relief Act, provision is made for the maintenance of the dependants of a deceased person out of the estate of the deceased person when that person has failed to make adequate provision for their maintenance. The definition of "dependant" includes a child of the deceased who is under the age of 18 years at the time of the deceased's death and a child who is 18 or over and is unable to earn a livelihood by reason of mental or physical disability.

With regard to education it should be noted that all children placed with foster parents or in foster homes, or in the ward of the province are integrated into the school system. When needed, they receive special assistance.

Special facilities exist in the schools for students in wheelchairs and for students who are blind or deaf. Multi-handicapped children are usually boarded in one of the two schools established in the Atlantic provinces to accommodate them

- the Sir Frederick Fraser School for the Blind in Halifax, Nova Scotia and the Atlantic Residential Centre for the Hearing Handicapped in Amherst, Nova Scotia. These institutions are maintained by the Atlantic Provinces Special Education Association and funded by the four Atlantic provinces.

Children deprived of a family or any children or any person older than 21 years can be adopted by other persons under the terms of the Adoption Act, R.S.P.E.I. 1974, c. A-1.

Under the Act any person of the age of 21 years or older can apply for the adoption of another person younger than himself or herself. The application is reviewed by a judge who can issue a court order for the adoption of the child or other person by the applicant. Upon such a court order, the person adopted becomes the child of the adopting parent for all purposes and ceases to be the child of the person who was his/her parent before the adoption order.

One of two main routes must be followed before an adoption order can be granted. In the first one, when a person wants to adopt a child who is under 16 years of age and who has not been placed with that person by the Director of Child Welfare or an agency approved by the Lieutenant Governor in Council to provide child care services, that person must, at least six months before a petition is presented to a judge, give notice in writing of his/her intention to the Director of Child Welfare. The court, however, may reduce the six months requirement if it is satisfied that it is in the best interest of the child to do so. Upon receipt of such a notice the Director of Child Welfare shall cause an inquiry to be made and, before the date fixed for the hearing, file a report with the judge with a recommendation on the granting or refusing of the petition for adoption.

In the other situation a child can first be placed by the Director of Child Welfare or by an agency approved by the Lieutenant Governor in Council with a person for adoption by that person. After the child has been living with that person for at least six months a petition for the adoption of the child can be made by that person. The Director of Child Welfare must submit a report to the judge, on the hearing of the petition, regarding the welfare of the child and indicating if it is proper that an order for the adoption of the child by the petitioner be made.

The consent of the parents or parent, or of the person having legal custody of the child, is required before an adoption order can be made. The consent of the child is also required if he/she is over the age of 12 and of sound mind. In certain circumstances a judge may dispense with the consent.

Any person, who gives or receives or agrees to give or receive any payment or reward to procure or assist in procuring a child for the purposes of adoption, is guilty of an offence and liable upon summary conviction to a fine of not more than 200 dollars

and in default of payment to imprisonment for a term not exceeding six months.

Measures for the care of delinquent minors are provided for in the Juvenile Delinquents Act, Revised Statutes of Canada 1970, c. J-3. The pertinent provisions of this Act were explained in the federal part of this report under heading 10C(2). The Act was proclaimed in force in Prince Edward Island in 1974 and it is administered by the provincial government in conjunction with other child legislation, in particular the Family and Child Services Act which provisions are reviewed above and below under heading (3).

- (3) Measures to protect children and young persons against economic, social and all other forms of exploitation, neglect or cruelty and from being the subject of traffic;

Measures for the protection of children against exploitation, neglect or cruelty are contained in the Family and Child Services Act, S.P.E.I. 1981, c. 12, which provides for the mandatory reporting of child abuse and the apprehension of children in need of protection.

Mandatory Reporting of Child Abuse

Section 14 of the Act provides that every person who has knowledge or has reasonable and probable cause to believe that a child has been abandoned, deserted or abused must forthwith report, or cause to be reported, the circumstances to the Director of Child Welfare or to a peace officer who shall report it to the Director, and shall provide to a child care worker such additional information as is available to him/her or is known to him/her. The name of the person who makes such a report is kept confidential and the person is not liable to any civil action in respect of any matter contained in the report.

Apprehension of a Child in Need of Protection

The Act provides that the Director of Child Welfare or a peace officer may apprehend without warrant and take to a place of safety any child apparently in need of protection.

For the purposes of the Act, "child in need of protection" means a child

- (a) who is not receiving proper care, education, supervision, guidance or control;
- (b) who is in the custody of a person who is unable or unwilling to care for the child, or whose behaviour or way of life creates a danger for the child;
- (c) who has been physically abused, neglected or sexually exploited or is in danger of consistently threatening behaviour;

- (d) who is forced or induced to do work disproportionate to his/her strength or to perform for the public in a manner that is unacceptable for his/her age;
- (e) whose behaviour, condition, environment or associations is injurious or threatens to be injurious to himself/herself or others;
- (f) for whom the parent or person in whose custody he/she is neglects or refuses to provide or obtain proper medical or surgical care or treatment necessary for his/her health and well-being where it is recommended by a duly qualified medical practitioner;
- (g) whose emotional or mental health and development is endangered or is likely to be endangered by the lack of affection, guidance and discipline or continuity of care in the child's life;
- (h) for whom the parent or person in whose custody he/she is neglects, refuses or is unable to provide the services and assistance needed by the child because of the child's physical, mental or emotional handicap or disability;
- (i) who is living in a situation where there is severe domestic violence;
- (j) who is beyond the control of the person caring for him/her;
- (k) who is living apart from his/her parents without their consent; or
- (l) who is pregnant and refuses or is unable to provide properly and adequately for the health and welfare needs of herself and her child both before and after the birth of her child.

The Act provides that the determination of whether a child is in need of protection, and matters related to the custody of a child in need of protection, shall be made by a judge after a court hearing where the parents can be heard. In doing so the court must give priority to the best interest of the child while attempting to avoid removing a child from his/her family if possible.

The Act provides for penalties for child abuse and for failure to report child abuse.

- (4) Provisions governing work by children and young persons, including minimum age for paid or unpaid employment, regulation of hours of work and rest, prohibition or restriction of night work and penalties imposed for violations of such provisions;

and

- (5) Measures taken to prevent employment of children and young persons in any work which would be dangerous to life, harmful to their morals or health or likely to hamper their normal physical and psychosocial development and penalties imposed for violations of such measures;

The Minimum Age of Employment Act, R.S.P.E.I. 1974, c. M-11, states that no child shall be employed in any private industrial undertaking or in any industrial undertaking carried on by the government of the province or by any municipal corporation. Under the Act, "child" means a person under the age of 15 years, and "industrial undertaking" includes:

- (i) mines, quarries, and other works for the extraction of minerals from the earth,
- (ii) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which minerals are transformed, including shipbuilding, and the generation, transformation, and transmission of electricity and motive power of any kind,
- (iii) construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundation of any such work or structure, and
- (iv) transport of passengers or goods by road or rail or inland waterways, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

Every employer in an industrial undertaking must keep and have available for inspection at all times a register of all persons under the age of 18 years employed by him, of the date of their births and of the dates on which they enter and leave the employer's service.

On the recommendation of the Ministers of Labour, the Lieutenant Governor in Council may prescribe a higher age than 15 years for the admission of persons under the age of 18 years to employments which are, by their nature or the circumstances under which they are carried on, dangerous to the life, health or morals of the persons employed therein.

The Act does not cover all areas of work. This means that there are areas where children under 15 could be working with no contravention of the legislation.

Also the Act does not apply to an industrial undertaking in which only members of the employer's family are employed except where the employment is, by its nature or the circumstances in which it is carried on, dangerous to life, health or morals of the persons employed therein. It does not either apply to work done by children in technical schools which are approved and supervised by the public authority.

Any person, firm or corporation found guilty upon summary conviction of any violation of this Act is liable to a fine of \$100 or to imprisonment for 12 months or to both the fine and imprisonment.

It should be noted that, under the Schools Act, R.S.P.E.I. 1974, c. S-2, school attendance is mandatory until the age of 16, unless permission is given to leave school by the Minister of Education. Not many children under the age of 16 would therefore be in a position to take full time employment. Those who are in fact working, work mainly in the services industry and on a part time basis.

As a matter of policy, before considering hiring a young person, most employers will consult the Workers' Compensation Board or the Department of Labour for advice on the matter.

The Workers' Compensation Act, R.S.P.E.I. 1974, c. W-10, provides that where an employer has employed a child, within the meaning of the Minimum Age of Employment Act, in violation thereof, and a claim for injury to the child is made, the unlawful employment does not affect or prejudice the right of the claimant, but the board may exclude the industry from the class in which it is included, whereupon the employer is individually liable to pay the compensation to which the claimant is entitled.

- (6) Statistical and other available data showing the number of children and young persons in the various age groups who are in fact working, and the sectors or type of work in which they are employed.

Statistical data on employment of young persons in Canada can be found in an appendix to this report.

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

- A. General and specific measures taken to achieve an adequate standard of living and a continuous improvement of living conditions of people.

Measures taken to achieve an adequate standard of living and a continuous improvement of living conditions of people include measures taken under a federal-provincial agreement covering a development plan for Prince Edward Island and the assistance provided to persons in need by the social security system, under the terms of the Welfare Assistance Act, in particular.

(a) Development Plan

In 1969 the Government of Prince Edward Island and the Government of Canada signed a 15 year comprehensive agreement for the development of Prince Edward Island.

Recognizing that the per capita income in Prince Edward Island was lower than the national average and that the proportion of people in the lower income brackets was higher than the national average, the agreement was designed to promote the economic development of the province, to increase income and employment opportunities and to raise the standards of living of people of the Island.

(b) Welfare Assistance

The Welfare Assistance Act, R.S.P.E.I. 1974, c. W-4, entitles persons in need to receive assistance through the Department of Health and Social Services. "Assistance", as defined in the Act, means aid in any form, and without limiting the generality thereof includes aid in the form of

- (i) food, shelter, clothing, fuel, utilities, household supplies and personal requirements,
- (ii) items prescribed by the regulations incidental to carrying on a trade or other employment and other special needs of any kind prescribed by the regulations,
- (iii) care in residential institutions,
- (iv) travel and transportation,
- (v) funerals and burials,
- (vi) health care services,
- (vii) welfare services, and
- (viii) comfort allowances and other needs of residents or patients in residential institutions.

Any person who is unable to provide a basic standard of living for himself/herself or his/her dependants or is in need of a short-term or a temporary type of assistance may apply. Persons whose income from all sources is less than the costs allowed by the Welfare Assistance Regulations are eligible, and may receive benefits. The sources of income taken into account include: wages, pensions, unemployment insurance, family allowance, farming, fishing, and any other income. Assets such as money in the bank, bonds, and extra property also have to be taken into consideration.

Benefits are determined by subtracting the total monthly income of the applicant from the total monthly allowable costs for approved items under the Welfare Assistance Regulations. The difference between them is the maximum which may be paid.

The Act empowers the Minister of Health and Social Services to take numerous other measures to alleviate the plight of those people who have difficulty achieving an adequate standard of living. Among other things section 3 of the Act allows the Minister to:

- plan, develop, operate and manage any project or enterprise that has as its object to render recipients of assistance capable of self-support;
- make grants to any organization, group or body of citizens for the purpose of providing assistance to persons in need or likely to become in need;
- sponsor, develop, or operate community development services; and
- approve and designate welfare agencies within the province that may, under the Act, provide welfare services or assistance to persons in need or likely to become in need.

"Community development services", referred to above, means services designed to encourage and assist residents of a community to participate in or continue to participate in improving the social and economic conditions of the community for the purpose of preventing, lessening or removing the causes and effects of poverty, child neglect or dependence on public assistance in the community.

The cost of the assistance provided under the Act is shared with the federal government under the terms of the Canada Assistance Plan.

B. Right to adequate food

Measures directed at ensuring that everyone has adequate food on a day-to-day basis were reviewed above under heading A, in the discussion of assistance provided to persons in need under the Welfare Assistance Act. The following section will review the measures related principally to the production and distribution of food. Although the report deals mainly with measures taken in the area of agriculture, as fisheries also are an important activity in Prince Edward Island, measures taken in that area will be reviewed as well. The involvement of the provincial government in the area of fisheries, however, is less important as this is an area under federal jurisdiction.

(1) Principal laws, administrative regulations and collective agreements designed to promote the right of everyone to adequate food, and relevant court decisions, if any;

(a) Agriculture

The principal laws dealing with agriculture and the production and distribution of agricultural products in Prince Edward Island are:

- the Prince Edward Island Lands Protection Act, S.P.E.I. 1982, c. 16;
- the Land Development Corporation Act, R.S.P.E.I. 1974, c. L-2;
- the Agricultural Rehabilitation and Development (Prince Edward Island) Act, R.S.P.E.I. 1974, c. A-7;
- the Farm Implement Act, R.S.P.E.I. 1974, c. F-3;
- the Field-Root Seeds Zoning Act, R.S.P.E.I. 1974, c. F-6;
- the Poultry and Poultry Products Act, R.S.P.E.I. 1974, c. P-12;
- the Veterinary Profession Act, R.S.P.E.I. 1974, c. V-4;
- the Veterinary Assistance Act, R.S.P.E.I. 1974, c. V-3;
- the Bang's Disease Eradication Act, R.S.P.E.I. 1974, c. B-2;
- the Apiary Inspection Act, R.S.P.E.I. 1974, c. A-10;
- the Agrologists Act, R.S.P.E.I. 1974, c. A-8;
- the Agricultural Chemicals Act, R.S.P.E.I. 1974, c. A-4;
- the Plant Disease Eradication Act, R.S.P.E.I. 1974, c. P-7;
- the Potato Production Act, R.S.P.E.I. 1974, c. P-11;
- the Natural Products Marketing Act, R.S.P.E.I. 1974, c. N-2;
- the Agricultural Products Marketing Act, R.S.P.E.I. 1974, c. A-6;
- the Milk Act, R.S.P.E.I. 1974, c. M-10;
- the Livestock Community Auction Sales Act, R.S.P.E.I. 1974, c. L-19;
- the Crop Insurance Act, R.S.P.E.I. 1974, c. C-29; and
- An Act Respecting Standards of Agricultural Products, S.P.E.I. 1975, c. 65.

Other relevant legislation include:

- the Planning Act, R.S.P.E.I. 1974, c. P-6;
- the Market Development Centre Act, R.S.P.E.I. 1974, c. M-3;
- the Public Health Act, S.P.E.I. 1980, c. 42;
- the Dairy Products Act, R.S.P.E.I. 1974, c. D-1; and
- the Margarine Act, R.S.P.E.I. 1974, c. M-1.

Most of these laws are administered by the Department of Agriculture and Forestry which is also responsible for the

delivery of a number of programs of assistance to farmers and other participants in the production of food.

In addition to the Department of Agriculture and Forestry a number of public agencies also participate in activities directly or indirectly related to agriculture. These include the Prince Edward Island Land Development Corporation, the Land Use Commission, the Prince Edward Island Lending Authority, the Market Development Centre and various marketing boards. The functions of these agencies will be reviewed below under the pertinent headings.

Reference should be made also to the 15-year Comprehensive Development Plan for Prince Edward Island adopted by the federal and provincial governments in 1969. In the area of agriculture, it was stated in the plan that:

"The objective of the agriculture programs will be to promote and facilitate higher and more stable returns from farmers' investments of labour, capital and skills. To attain this objective, it will be necessary to foster conditions in which farm production and productivity are increased while marketing systems are improved and market opportunities expanded. Opportunities will be identified and promoted through integrated packages of financial assistance, technical guidance and extension support services for individual farmers. A similar approach will facilitate the entry of new farmers and those replacing retiring farmers. Marketing problems will be overcome through provincial and federal stabilization schemes, increased local processing, better storage facilities and distribution systems, and more effective marketing mechanisms."

Many of the programs which will be described below have benefited from this agreement, particularly during the first two phases, 1969-1979.

(b) Fisheries

Although the area of fisheries is exclusively under federal jurisdiction the provincial government is keenly interested in this activity as it represents a way of life and a source of income for a good number of its residents, as well as one of the most important economic activities of the Island. In order to serve the overall fisheries interests of the people of the Province, and to work at developing the available resources the government of P.E.I. has created the Department of Fisheries.

Particular attention was put on the development and modernization of fisheries in the Province since the adoption in 1969 of the 15-year federal-provincial Comprehensive Development Plan for Prince Edward Island. It was stated in the Agreement that:

"In the fishery, increased exploitation of species other than lobster will be encouraged. Fishermen will be able to increase their efficiency with new methods not requiring substantial outlays of capital. Major thrusts in fisheries will be the development of aquaculture and the improvement in the quality of fishery products. The processing industry will be encouraged to expand its activities and to produce a wider range of products. Government agencies will work closely with the private sector to develop an integrated system of marketing."

During the first two phases of the Plan (1969-1979), the federal government share of the cost was 90 per cent while the share of the province was 10 per cent. During that period the delivery of the programs was done principally by the P.E.I. Department of Fisheries in consultation with other provincial and federal agencies, principally the federal Department of Fisheries and Oceans. During that period, developments took place with regard in particular to the harvesting of the resource, research and experimentation with unexploited resources and new harvesting instruments, aquaculture, the processing and marketing of fisheries' products, the improvement of the fish handling infrastructure, and extension services - mainly information and training - to those involved in the fisheries industry.

With the third phase of the Agreement (1979-1984), the federal government absorbs 100 per cent of the costs of the projects in which it is involved and it delivers these programs directly through its own services. The provincial government is therefore less involved in the development of fisheries in the Province, but it maintains services such as the control of the processing and the quality of fish marketed in the province, assistance for the construction of vessels, some support services such as electricity services to ports, and information and training programs for local fishermen.

In 1982, the provincial government created four new programs to assist those involved in the fishing industry: the Aquaculture Incentive Program, the Diesel Engine Conversion Program, the Onboard Fish Handling Systems Program and the Fresh Fish Market Assistance Program. These will be reviewed below under headings (2)(iv), (4) and (5).

The only provincial legislation in the area of fisheries is the Fish Inspection Act, R.S.P.E.I. 1974, c. F-9, which will be reviewed under heading B-(7) below.

Other government agencies which play a role in the fishery activities include the Prince Edward Island Lending Authority and the Market Development Centre.

- (2) Measures taken to develop or reform existing agrarian systems, in order to achieve the most efficient development and utilization of natural resources;

Measures taken to achieve the most efficient development and utilization of natural resources include measures regulating the use of agricultural land, assistance for the development and expansion of agricultural operations, additional assistance to farmers, and assistance for fishery operations.

(i) Utilization of Agricultural Land

The Prince Edward Island Lands Protection Act puts a limit on the amount of land individuals and corporations can hold. An individual person is not allowed to acquire an aggregate land holding in excess of 1,000 acres, and a corporation in excess of 3,000 acres. However, special permits to hold more can be granted by the Lieutenant Governor in Council if this is considered in the public interest; the particulars of such special permits must then be submitted to the Legislative Assembly.

Further restrictions are imposed on the acquisition of land by corporations and by non-residents. In the case of a corporation other than a farm corporation, permission is required from the Lieutenant Governor in Council to acquire an aggregate land holding in excess of ten acres or having a shore frontage in excess of five chains. Persons who are not residents in Prince Edward Island (a "resident person" means a person who resides in the province for 183 days or more a year) are not allowed to acquire an aggregate land holding in excess of ten acres or having a shore frontage in excess of five chains unless they first receive permission to do so from the Lieutenant Governor in Council.

In all cases where a permit or a special permit is required the application must be reviewed by the Land Use Commission which shall make a recommendation to the Lieutenant Governor in Council. The recommendations of the Commission must be based on the following considerations: an assessment of the best use of the land based on guidelines and policies established by the Lieutenant Governor in Council; the most effective manner of ensuring the best land use; and, the needs of the people of the province economically or culturally involved in the use of that grade or class of land.

The Land Use Commission was created in 1974 to make recommendations to the Lieutenant Governor in Council on policies affecting the use and ownership of land within the province. The Commission consists of seven members who are appointed to represent the private sector. In addition there is an advisory board of two persons, normally civil servants, appointed by the Lieutenant Governor in Council; these persons participate in the meetings of the Commission but are not eligible to vote on any issue. The terms of reference of the Commission are set out in the Planning Act, R.S.P.E.I. 1974, c. P-6.

The Government of Prince Edward Island has adopted that legislation and previous legislation limiting the ownership of

land by non-residents because the land is the province's primary physical resource and is very limited. In the early seventies the land resource, especially shorefront properties, was coming under increasing pressure from non-resident buyers. The price of good agricultural land was being inflated beyond the reach of Island farmers by the demands of non-residents buyers purchasing for personal recreational use, for investment as an edge against inflation, or for purely speculative purposes. The government of the province believed that the people of the Island should have the right to control non-resident purchases of excessive amounts of a scarce resource that is the foundation of the Island economy and way of life.

The Land Development Corporation Act establishes the Prince Edward Island Land Development Corporation and outlines its composition and powers. The Corporation is responsible for acquiring lands both of agricultural capability and for other capabilities which might include forestry, recreational and wildlife. The Corporation turns the agricultural lands back to private use through mortgage, leases and agreements of sales, and provides credit to farmers under these agreements to establish economic farm units.

The Agricultural Rehabilitation and Development (Prince Edward Island) Act enables the province to cooperate with the federal government in the provision of financial aid for projects related to agriculture, such as projects for alternative use of land, rural development projects, and soil and water conservation projects.

Community Pastures

The Department of Agriculture and Forestry operates community pastures where individual farmers can bring their cattle. The land used for the pasture is generally owned by the Land Development Corporation. Farmers pay a fee for the use of the pasture based on the operating costs of the pasture and the number of cattle using it. This program permits farmers to use pasture land at a much lower cost than if they had to acquire their own individual pastures.

(ii) Assistance for the Development and Expansion of Agricultural Operations

Prince Edward Island Lending Authority

The Lending Authority is a Crown Corporation whose principal function is the extension of capital loans and operating credit to those involved in the primary industrial sectors of the province.

In the farming industry, loans are available for the purchase of farm lands and buildings, for the recapitalization of capital

debt and for the purchase of livestock, farm equipment, storage facilities, erection and/or repairs to barns, land improvements, etc. Operating credit is also available for annual cropping expenses and such loans cover almost all relative expenses for annual cropping and include such items as seed, fertilizer, spray materials, fuels, repairs to machinery, labour, living allowances, utilities, etc. This type of credit is repayable in full on an annual basis.

Loans can also be made for services which are in direct support of the agricultural industry. Services which qualify include feed supply, seed dealers, mobile feed units, veterinary services, and custom liming, seeding, spraying or harvesting services.

Commodity Development Incentive Program

Under the Commodity Development Incentive Program farmers can obtain grants towards capital expenditures designed to increase net farm income. The purpose of the program is to encourage farmers to invest in designated projects whose markets promise sufficient return to contribute a net incentive to the farmer and the agricultural sector.

(iii) Additional Assistance to Farmers

Other services provided to farmers include an accounting service, grants to assist livestock breed associations in conducting a useful program for their members, and the provisions of the Farm Implement Act which sets down the standards and procedures governing the sale of farm implements and prescribes basic warranties on new machinery and for the supply of spare parts.

(iv) Assistance for Fishery Operations

The Prince Edward Island Lending Authority provides loans to people involved in the fishing industry. Loans are available for the purchase of vessels, motors and related fishing equipment. Operating credit is also available to assist in seasonal preparation costs prior to the start of the fishing season. These advances are repayable in full during or at the end of the fishing season.

Loans can also be made for services which are in direct support to the fishing industry. Services which qualify include bait facilities for fishermen, boat haulers and vessel supplies.

Provincial Vessel Subsidy Program

Under the Provincial Vessel Subsidy Program the provincial government provides financial assistance to Island fishermen building new vessels. The amount of subsidy is 15 per cent of the total cost of new vessels to a maximum to \$3,000. The

program was initiated in 1978. During the first year of its existence, subsidies were made for the building of 174 new vessels. During the second year 93 vessels were built at an average cost of \$23,057.

In 1982, the Government of Prince Edward Island created new programs to assist fishermen, among them the Aquaculture Incentive Program and the Diesel Engine Conversion Program.

Aquaculture Incentive Program

The P.E.I. Department of Fisheries has been involved in developing aquaculture techniques on P.E.I. for a number of years. Experimental work carried out by the Department in the mid to late seventies has resulted in the establishment of commercial cultured mussel operations and trout rearing.

Aquaculture projects such as rearing trout or culturing mussels require initial investments in equipment and stock which may not be returned to the enterprise in sales for a period of up to two years. It is during the initial stages of these operations awaiting harvest of the first crops that financial assistance is necessary to ensure the establishment of viable fish and shellfish growing enterprises.

The Aquaculture Incentive Program is designed to provide such assistance and thus further encourage the continued development of aquaculture enterprises in the province.

The assistance provided to mussel growers is in the form of a buoy stockpile which is established and upon which a mussel grower may draw up to 1,000 buoys. Trout growers can receive a loan of up to 2,000 dollars of which 25 per cent is deducted when the loan is repaid on or before the date of maturity. Trout growers can also receive up to 500 fingerlings at no cost for the first year.

Diesel Engine Conversion Program

Under the Diesel Engine Conversion Program P.E.I. vessel owners with a commercial fishing license can obtain a grant covering 25 per cent of the capital cost to a maximum of 2,500 dollars for new diesel engines installed in existing vessels now powered by gasoline engines. The program is designed to help fishermen reduce their operating costs which have increased sharply during recent years due particularly to the increase in fuel costs.

- (3) Measures taken to improve methods of production and the quantity and quality of food produced, and to increase yield per unit of cultivated land and to improve methods of animal husbandry, including animal health, by making full use of technical and scientific knowledge, in particular:

- a) promotion of agricultural research, introduction and use of appropriate material, equipment and techniques,
- b) measures to disseminate knowledge on the use of such material, equipment and techniques;

Measures related to the above heading will be reviewed under the following categories: measures to increase the quality and quantity of food produced; measures related to animal health; and measures related to research and the dissemination of knowledge.

(i) Quality and Quantity of Food Produced

Most of the measures described above under heading (2) facilitate the improvement of methods of production and the quantity and quality of food produced. In addition, the Department of Agriculture and Forestry assists farmers in this regard through various programs including the following.

The Soil Testing Program which provides farmers with the sample containers and technical services for soil testing and with recommendations on the chemical analysis and the quality of fertilizer to be applied.

The Agricultural Limestone Assistance Program which provides incentive grants to farmers for the use of limestone as a soil acidity corrective.

Under the Field-Root Seeds Zoning Act, R.S.P.E.I. 1974, c. F-6, the Lieutenant Governor in Council may proclaim any areas in the province as special areas for the purpose of encouraging the growing of pure seeds of any root crops and to prevent cross pollination of the seed. In such areas no person may grow an open-pollinated seed crop of a variety other than that for which it is proclaimed.

In addition, the Pedigreed Seed Grain Program encourages growers to produce high quality seeds and farmers to use good quality cereal and forage seeds by subsidizing a portion of the cost of using certified pedigreed seeds or of growing select seed plots.

Under the Beef Breeders Bull Bonus Program grants are provided to commercial and purebred beef breeders to assist them in the purchase of superior registered bulls. Similar assistance is also provided for the purchase of imported breeding females for the improvement of the P.E.I. cattle herds, under the Imported Female Cattle Breeding Stock Program.

In order to improve the quality of sheep flocks assistance is provided under a sheep premium plan for the purchase of selected ewes and rams.

The Poultry and Poultry Products Act, R.S.P.E.I. 1974, c. P-12, regulates the production of poultry in the province and provides for the improvement of poultry stocks.

In addition, under the Registered Hatchery Assistance Program, registered hatcheries can receive grants for the purchasing or developing of superior breeding stocks.

Finally, under the Swine R.O.P. Home Test and Bonus Program swine producers can obtain assistance for the purchase of approved swine breeding stocks.

(ii) Animal Health

Under the Veterinary Profession Act, R.S.P.E.I. 1974, c. V-4, the objects of the Veterinary Medical Association are:

- (a) to encourage, promote and safeguard the health and usefulness of animals;
- (b) to promote, encourage and develop veterinary medicine in the province;
- (c) to cooperate with agricultural associations, societies and organizations having similar objectives; and
- (d) to cooperate with Boards of Health, conforming with rules and regulations for the protection of the public against infectious and contagious diseases communicable from animals to human beings.

For the purpose of encouraging veterinarians to practise veterinary medicine and surgery for the control, treatment and prevention of livestock diseases in the province, the Veterinary Assistance Act, R.S.P.E.I. 1974, c. V-3, provides that the Minister of Agriculture and Forestry may pay veterinarians an annual amount determined by the Lieutenant Governor in Council, provided that they comply with the regulations made under the Act. The regulations made under the Act specify the terms and conditions under which payments may be made to veterinarians and determine the maximum fees which may be charged by veterinarians for their services.

In order to further assist the farmers in the protection of their animals' health the Department of Agriculture and Forestry pays, in general, half the cost of the fees charged by veterinarians for their services. This applies in particular to the development of programs for the control of mastitis among dairy cattle and to the adoption of preventive medical care programs for livestock.

The Bang's Disease Eradication Act, R.S.P.E.I. 1974, c. B-2, provides authority for the establishment of restricted areas for the eradication of Bang's disease and any other disease that affects cattle, for the extension of financial assistance to owners of animals slaughtered, and for making regulations to carry out the Act's provisions. Regulations can be made to

prohibit the moving of cattle into restricted areas unless they are accompanied by a veterinarian's certificate that they are free of infection by Bang's disease or any other disease that affects cattle. Under the Act "cattle" includes all members of the bovine species, horses, cattle, sheep, swine and domestic fowl. Inspectors may be appointed and officers of the Health of Animals Branch of Agriculture Canada may be designated inspectors under the Act. Their power to enter premises and take samples is outlined. Any inspector may by order quarantine suspected premises and prevent the removal of material likely to propagate infection. If the existence of a disease is confirmed, the Minister of Agriculture and Forestry may by order quarantine reacting cattle and permanently mark them, order the immediate slaughter, and have the premises disinfected.

The Apiary Inspection Act, R.S.P.E.I. 1974, c. A-10, provides for the control of prohibited diseases of bees. It authorizes the appointment of inspectors of apiaries to inspect all apiaries to discover and suppress all bee diseases of a contagious or infectious nature. Under the Act, all bees imported into the province are declared to be in quarantine on the premises of the owner who must notify the Minister of Agriculture and Forestry within ten days. The owner must not sell or dispose of the bees or any honey or appliance until permission is obtained from an inspector and the bees are declared free from disease. Similar controls exist in the case of the rearing of queen bees for sale.

Finally, to assist in the control of the highly contagious swine disease "Transmissible Gastroenteritis" the Department of Agriculture and Forestry pays the cost of vaccine for the initial immunity in infected swine herds and swine herds within a mile radius of the infected herds.

(iii) Research and Information

The objectives of the Prince Edward Island Institute of Agrologists, incorporated under the Agrologists Act, R.S.P.E.I. 1974, c. A-8, are: (a) to promote and increase the knowledge, skill and proficiency of its members in the practice of agrology; (b) to do all things that may be necessary or conducive to the usefulness of agrologists to the public; and (c) to ensure to the public the proficiency and competence of agrologists.

The Veterinary Profession Act provides that the Veterinary Medical Association may prescribe to its members such courses or programs of continuing education as it may deem advisable to ensure the maintenance of a high standard of practicing clinical veterinary medicine in the Province.

In order to encourage veterinarians to keep themselves up to date in their profession the Department of Agriculture and Forestry provides assistance for the organization of educational programs

in the province and for the expenses incurred by veterinarians in the furthering of their education outside the province.

The province provides grants to encourage students from P.E.I. to take university training in agriculture and veterinary sciences, and to practice in the province.

Finally, in order to encourage young people to further their agricultural training, the province provides them with grants for attendance at an agricultural college or for correspondence courses.

- (4) Measures taken to improve and disseminate knowledge regarding methods of food conservation, in particular, to reduce crop and post-harvest losses and waste (e.g. through pest control and adequate food storage facilities) and to prevent degradation of resources (e.g. through soil conservation and water management);

The following measures have been taken to reduce crop and post-harvest losses and waste.

The Agricultural Chemicals Act, R.S.P.E.I. 1974, c. A-4, authorizes and regulates the use and handling of chemicals used to control plant and animal pests. The Act provides for the formation of an Agricultural Chemicals Committee to advise the Minister of Agriculture and Forestry with respect to the content, administration and enforcement of the Act and regulations made under it.

The Plant Disease Eradication Act, R.S.P.E.I. 1974, c. P-7, provides for the control of bacterial ringrot and any other disease organism that is designated a plant disease in the regulations. Inspectors are provided with the power to enter premises or vehicles, to issue orders to effect control of plant diseases, and to quarantine and detain vehicles. Growers and dealers are required to disinfect bags, crates, etc., before use. The Act also provides for the disinfection of implements, vehicles and other machinery. No grower whose farm or premises are within the boundary of a danger zone, or who has been notified by an inspector that his/her farm or premises have been contaminated or are suspected of having been contaminated by any plant disease, may plant without written permission of an inspector. Finally, a Potato Disease Control Committee is appointed under the Act to be an advisory committee to the Minister of Agriculture and Forestry respecting the control of plant diseases, and the promotion among dealers and growers of education and publicity, designed to control and eradicate plant diseases.

The Potato Production Act, R.S.P.E.I. 1974, c. P-11, provides that all potato crops are subject to inspection for bacterial ringrot, or any other disease or any of the diseases of insect

pests as may be determined by duly authorized inspectors. Each grower must exercise the necessary care in the planting, cultivation, spraying, dusting or harvesting of his/her potato crop to avoid any possible contamination with bacterial ringrot through machinery, harvesting containers, storage or second-hand bags.

In order to prevent, control and eradicate bacterial ringrot, the Department of Agriculture and Forestry provides a free cleaning and disinfecting service for equipment used in the planting and other handling of potatoes. In order to prevent the spread of potato diseases, the Department further underwrites the burial operations of infected potatoes and provides a disinfecting service for the equipment used in the disposing of such infected crops.

Finally, in 1982 the Department of Fisheries created the Onboard Fish Handling Systems Program which is designed to improve the quality of landed fish by assisting P.E.I. commercial vessel owners to install onboard fish gutting machinery and fish hold refrigeration units. Grants cover 25 per cent of the capital cost of new installations to a maximum of 10,000 dollars.

- (5) Measures taken to improve food distribution such as improvement of communications between areas of production and food marketing centres, facilitating access to markets, introducing price support and stabilization measures, controlling abusive practices, and assuring minimum supplies to needy groups;

The marketing of food products in Prince Edward Island is regulated by a number of statutes, the most important of which is the Natural Products Marketing Act, R.S.P.E.I. 1974, c. N-2. Other statutes which complement the provisions of this Act and which will be briefly accounted for in the following paragraphs include: the Agricultural Products Marketing Act, R.S.P.E.I. 1974, c. A-6; the Milk Act, R.S.P.E.I. 1974, c. M-10; the Livestock Community Auction Sales Act, R.S.P.E.I. 1974, c. L-19; and the Marketing Development Centre Act, R.S.P.E.I. 1974, c. M-3. Price stabilization measures include the crop insurance program under the Crop Insurance Act, R.S.P.E.I. 1974, c. C-29.

The Natural Products Marketing Act provides for the promotion, control and regulation of the marketing of natural products within the province, including the prohibition of any aspect of marketing. Under the Act, "natural product" means any product of agriculture, or of the forest, sea, lake, or river, and any article of food or drink wholly or partly manufactured or derived from any such product.

The Prince Edward Island Marketing Council, created under the Act, has the responsibility to recommend to the Lieutenant Governor in Council the establishment of plans for the marketing

of natural products and the constitution and powers of commodity boards or of marketing commissions to administer such plans.

The Act authorizes the Council, among other things, to investigate, arbitrate, adjudicate upon, adjust or otherwise settle any dispute between producers, processors, distributors or transporters of natural products; to investigate the cost of producing, processing, distributing and transporting any natural product, prices, price spreads, trade practices, methods of financing, management, grading, policies and other matters relating to the marketing of a natural product; and to stimulate, increase and improve the marketing of regulated products by such means as it may deem proper.

The Council can review the decisions made by commodity boards and marketing commissions and may attempt to make them change their decisions. When an agreement cannot be reached the Council may refer the matter to the Lieutenant Governor in Council for a determination.

The commodity boards and marketing commissions are entrusted with the responsibility and power to regulate all aspects of the marketing of certain natural products. A board or a commission may have responsibility for one or more products, generally one line of products, (eggs, milk, potatoes, etc.). At present, there are boards and commissions for the following products: eggs, hogs, milk and potatoes.

The main differences between a commodity board and a marketing commission are the following: the members of a commodity board are producers elected by a majority vote of their colleagues while the marketing commissions are composed of persons appointed by the Lieutenant Governor in Council; in addition to regulating functions which both have, marketing commissions may be entrusted with the responsibility to act as an agent in the sale, marketing, distribution or processing of a natural product, and to establish and operate a quota system with respect to the production and marketing of the regulated product.

Both the commodity boards and the marketing commissions are authorized to cooperate and they do cooperate with national agencies and agencies of other provinces with respect to the products they have responsibility for.

The Agricultural Products Marketing Act provides that, when a product of the farm or the forest is not regulated under the Natural Products Marketing Act, the National Farmers' Union can request the Lieutenant Governor in Council to take steps towards the establishment of a plan to regulate the marketing of the product.

Where such a request is granted by the Lieutenant Governor in Council, the National Farmers' Union must submit the proposed

plan to every registered producer and may request the Lieutenant Governor in Council to hold a plebiscite for the purpose of determining the acceptance or rejection of the plan by the producers. If such a plebiscite is held the results are determined by a simple majority of the registered producers who have voted. The final decision to establish the plan or not is vested with the Lieutenant Governor in Council.

When a plan is established the Lieutenant Governor in Council upon the request of the National Farmers' Union may establish a marketing commission to administer and implement it. Such a commission would resemble the commissions established under the National Products Marketing Act.

The Milk Act provides for the control and regulation of the production and marketing of milk within Prince Edward Island. Part I provides for the continuance of the Prince Edward Island Milk Commission. It outlines the composition of the Commission, its financing, and its powers and duties. These are limited by, and must not infringe on, any powers or duties vested in the Commodity Board which regulates milk under the Natural Products Marketing Act. Subject to the approval of the Lieutenant Governor in Council, the Commission is authorized to make regulations.

Under the Livestock Community Auction Sales Act, a licence is required to operate a livestock community auction sale. Section VI provides for the establishment of a board to be known as the Livestock Community Auction Sale Advisory Board to act in an advisory capacity to the Minister of Agriculture and Forestry.

The Lieutenant Governor in Council may make regulations prescribing the powers and duties of the Board; establishing classes of Community Auction Sales and limiting the application of any regulation; providing for the form, renewal, suspension and revocation of licences, and for the fees payable therefor; and prescribing the methods, terms and conditions under which such auctions are carried out.

An additional measure which facilitates the marketing of food is the Prince Edward Island Market Development Centre established under the Market Development Centre Act.

The Market Development Centre provides a marketing consulting service which is available to all Prince Edward Island primary and secondary producers, processors and manufacturers. The Centre operates on a private consulting basis by request. Any company, individual or organization will be assisted at no cost, or in the case of a major project at shared cost. Program areas include market research, market planning, product design and development, market intelligence, and advertising and promotion market education. The Centre is especially active in the areas of agriculture and fisheries.

In the area of fisheries, in 1982 the Department of Fisheries created the Fresh Fish Market Assistance Program which is designed to encourage the availability of fresh fish to local consumers and visitors and to provide further outlets for the fishermen's products. The form of assistance provided under this program is a 50 percent grant with a \$5,000 maximum per fresh fish market. The financial assistance provided is toward the purchase and installation of fresh fish presentation and storage items such as display cases, ice makers, refrigeration units, etc., essential to the retail fish market. Technical and promotional assistance is also provided to advise the retailer on the handling and presentation of fresh fish, and the consumer on the preparation benefits of increasing the amount of fish in the family diet.

Finally, under the Crop Insurance Act, farmers are insured against crop losses due to weather and disease factors beyond their control. Any farmer growing a crop covered (the regular vegetables and berries cultivated in the province) is eligible provided a premium is paid, consideration being given to risk and performance.

The premium to be paid is different for each commodity and is determined on a 10 years break even system as a percentage of the average losses during the period.

Up to 75 to 80 per cent of previous years average yield can be insured for most crops.

The compensation is paid to the farmers from a fund created under the Act and in which the premiums are deposited.

Fifty percent of the premiums are paid by the insured farmers and 50 percent by the federal government. The provincial government assumes the operating costs and guarantees that all claims will be met by lending moneys to the fund when the accumulated reserves are not sufficient to cover all claims.

The Act is administered by the P.E.I. Crop Insurance Agency established under its provisions.

- (6) Measures taken to improve food consumption levels and nutrition, with particular reference to the most vulnerable groups of the population;

The measures described above have as an indirect effect the improvement of food consumption levels and nutrition. As explained under heading A, persons in need can receive welfare assistance for their basic needs including food. This would include members of the most vulnerable groups.

In addition, special programs exist such as the provision by the Department of Health and Social Services of pregnancy food

allowances, vitamin/mineral supplements and milk tickets to "nutritionally high risk" pregnant women who are considered in financial need, the provision of free milk tickets to mothers in financial need who choose to breast feed their infants, the provision of nourishing home delivered meals at a reasonable price to persons not able to care for their own nutritional requirements by "Charlottetown Meals on Wheels", and the provision of milk at low cost to school children.

- (7) Measures taken (including the adoption of food standards) to reduce food adulteration and contamination and to improve the quality and safety of food, at market and storage levels, as well as food hygiene at all levels;

The Public Health Act, S.P.E.I. 1980, c. 42, contains a number of provisions for the protection of consumers against food adulteration and contamination.

Section 7 provides that no person shall manufacture, prepare, preserve, package or store for sale any food under unsanitary conditions. The Act prohibits the selling and possession for sale or use of any unwholesome, decayed or diseased product for human consumption. Such products can be seized by a health officer and disposed of as directed by the Chief Health Officer. (Section 8).

Under section 9, a health officer who suspects on reasonable grounds that any person is infected with a communicable disease in a communicable form that may be dangerous to the public health may prohibit that person from handling products for human consumption, and may require him/her to undergo a medical examination.

Slaughterhouses that operate for commercial purposes must be licensed. Such licences may be revoked for failure to comply with the regulations or the conditions under which the licences are issued. All animals slaughtered in these places are subject to inspection before slaughter and must be inspected after slaughter. (Section 10).

Section 11 of the Act provides for the inspection of milk and milk products.

Finally, the Act provides for the adoption of regulations with respect to, among other things:

- the inspection, licensing, method of construction, equipment, maintaining, cleaning and disinfecting of all buildings involved in the preparation, storage, or sale of products for human consumption including commercial slaughterhouses, canneries, farmers' markets, fish packing plants, public eating establishments, retail outlets, warehouses, bakeries, bottling plants, poultry plants and frozen food plants;

- standards of hygiene of those persons engaged in the preparation and sale of products for human consumption;
- standards of hygiene of vehicles and containers used for the transportation of products for human consumption; and
- standards and quality of milk and milk products offered for sale in the province and the sanitation, management and maintenance of all creameries, dairies and milk processing plants and retail outlets.

Under An Act Respecting Standards of Agricultural Products, S.P.E.I. 1975, c. 65, the Lieutenant Governor in Council may designate any agriculture product to be subjected to the standards established under the Canada Agricultural Products Standards Act, Revised Statutes of Canada 1970, c. A-8.

The Agricultural Chemicals Act, R.S.P.E.I. 1974, c. A-4, controls and regulates the use and handling of agricultural chemicals used to control plant and animal pests and to promote or control plant growth.

Section 5 provides that every person who keeps, stores or transports an agricultural chemical must do so in a manner that ensures that the chemical does not come into contact with or contaminate food or drink. The Minister of Agriculture and Forestry may prohibit the sale and use of food that is suspected of being contaminated by an agricultural chemical and may cause that food to be destroyed (section 13). Every municipality must appoint inspectors to carry out the Act and regulations made under it within the municipality (section 14). An inspector may suspend or terminate the use of or the method of application of an agricultural chemical where he/she is of the opinion that it may be dangerous to the health of people (section 15).

Under the Livestock Community Auction Sales Act, the Lieutenant Governor in Council may make regulations prescribing the minimum standard of cleanliness, health and safety for any facility where a community auction sale is conducted.

Under the Veterinary Profession Act one of the objectives of the Veterinary Medical Association is to cooperate with boards of health, conforming with rules and regulations for the protection of the public against infectious and contagious diseases communicable from animals to human beings.

The quality of fish and fish products is regulated by the Fish Inspection Act, R.S.P.E.I. 1974, c. F-9. The Act provides for regulations to be adopted by the Lieutenant Governor in Council for the purpose of regulating the marketing and processing of fish and the manufacture and marketing of containers; it defines the powers of inspectors of fish and fish products; and it prohibits the selling, offering or holding for sale of any fish

intended for human consumption that is tainted, decomposited or unwholesome.

The regulations adopted under the Act deal in detail with the quality and standards in all aspects of the marketing of fish and it defines the procedures that must be followed in the processing of fish to ensure the quality of the product.

Additional quality control provisions in the production of food are contained in a number of other statutes including the Dairy Products Act, R.S.P.E.I. 1974, c. D-1, the Margarine Act, R.S.P.E.I. 1974, c. M-1, the Milk Act, R.S.P.E.I. 1974, c. M-10, and the Poultry and Poultry Products Act, R.S.P.E.I. 1974, c. P-12.

- (8) Measures taken for the dissemination of knowledge of the principles of nutrition;

The dissemination of knowledge of the principles of nutrition for the general public is carried on principally by the Department of Agriculture, the Department of Fisheries and the Department of Health and Social and Services.

The Department of Education carries on a program of nutrition information for the school population.

The Department of Health and Social Services operates a nutrition service designed to assist specified target groups in meeting their nutritional requirements for growth, activity, reproduction and lactation. The overall goal of the service is to improve the nutritional status of the population serviced by the Social Services Branch of the Department. Through this program the Department provides nutrition counselling to "nutritionally high risk" pregnant women; it provides information on infant nutrition to all new mothers; it assists mothers receiving a service from its Social Services Branch in improving the nutrient intake of infants less than one year of age; and it provides nutritional assessment on all infants taken into care by the Branch and recommends appropriate nutritional intakes to foster and adoptive parents of these infants.

Finally, the Department provides nutrition counselling to individuals with specific medical problems, such as inborn errors of metabolism, allergies, and heart disease.

- (9) Information on participation in international cooperation, efforts and projects aimed at ensuring the rights of everyone to be free from hunger, in particular through an equitable distribution of world food supplies in relation to need, account being taken of the related problems of both food-importing and food-exporting countries;

- (10) Statistical and other available data on the realization of the right to adequate food.

Statistics Canada collects statistics on the various aspects of food production and consumption in Canada. Some statistics are presented in an appendix of this report.

C. Right to adequate clothing

- (1) Principal laws, administrative regulations and collective agreements designed to promote the right to adequate clothing;
- (2) Information on measures taken, including specific programmes, aimed at improving methods of production and distribution of articles of clothing;
- (3) Information on scientific and technical methods used to achieve adequate supply of articles of clothing;
- (4) Information on the extent of participation in international cooperation contributing to the promotion of the right to adequate clothing.

As mentioned above, under heading 11-A, under the terms of the Welfare Assistance Act, R.S.P.E.I. 1974, c. W-4, persons in need can receive assistance for clothing, among other things. In addition, articles of clothing and footwear are exempted from the sales tax levied by the province.

D. Right to housing

- (1) Principal laws, administrative regulations and collective agreements designed to promote the right to housing, and relevant court decisions, if any;

The Government of Prince Edward Island has been involved in housing activities since the mid sixties. The first activities were in the area of cooperative housing and housing for senior citizens, this last program being administered by the Senior Citizens Housing Commission which existed at that time. In 1969 the Legislative Assembly enacted the Prince Edward Island Housing Authority Act which was repealed in 1975 with the enactment of the Housing Corporation Act.

While being Canada's smallest province with correspondingly limited fiscal resources, Prince Edward Island has been able to further its achievements of the right to housing by concerted efforts to take full advantage of federal funding for housing related programs. In the delivery of these programs the province has given priority to the renovation of existing housing, to the servicing facilities for new and existing housing, and to community revitalization activities.

The Housing Corporation Act, S.P.E.I. 1975, c. 14, the Landlord and Tenant Act, R.S.P.E.I. 1974, c. L-7, and the Rent Review Act,

S.P.E.I. 1975, c. 82, are the principal laws dealing with housing matters in Prince Edward Island. The last two will be reviewed below under heading (5).

Also, the Human Rights Act, S.P.E.I. 1975, c. 72, protects the right to housing by prohibiting discrimination in relation to race, religion, creed, colour, sex, marital status, ethnic or national origin, age, physical disability or political belief in the occupancy of a self-contained dwelling unit or accommodation in a housing unit that is used to provide rental accommodation, or in the sale of property. Per exception, rental housing units in a structure having two or more units can be restricted to individuals of the same sex.

The Housing Corporation Act is essentially an enabling legislation which creates the Prince Edward Island Housing Corporation, with the mandate to carry on functions and do all things necessary for the production of housing and the improvement of existing housing in the province.

The objectives of the corporation are:

- "(a) to promote and carry out the construction and provision of adequate and improved housing
 - (i) for families of low income and persons of low income,
 - (ii) for students,
 - (iii) for senior citizens,
 - (iv) for families and individuals receiving social allowances or social assistance, and
 - (v) generally, for persons or groups which in the opinion of the corporation require assistance;
- (b) to promote, undertake, establish, operate and maintain for housing, urban renewal, neighbourhood improvement or other purposes, projects of all types including projects to which this Act refers;
- (c) to improve the quality of housing;
- (d) to improve the quality of amenities relating to housing;
- (e) to study housing needs and conditions;
- (f) to make recommendations for improvement of housing conditions;
- (g) to encourage and promote public and private initiative in housing, urban renewal and neighbourhood improvement matters; and

- (h) to carry out and perform such other duties respecting housing, urban renewal and neighbourhood improvement as may be directed or authorized by the Lieutenant Governor in Council." (Section 13).

The corporation has wide powers which enable it to carry out its objectives into effect, including the power to enter into and carry out agreements with the federal government, provincial departments, municipalities, companies, corporations and individuals. It can acquire property, lend or borrow moneys, and make grants and pay subsidies to assist families and individuals who require assistance to obtain adequate housing.

Under the Act, municipalities also are empowered to undertake housing projects and to enter into agreements for that purpose with other governmental or non-governmental agencies.

- (2) Information on measures taken, including specific programmes, subsidies and tax incentives, aimed at expanding housing construction to meet the needs of all categories of the population, particularly low-income families;

As explained above, under the Housing Corporation Act a large number of programs and projects can be undertaken by the Prince Edward Island Housing Corporation for the expansion of housing construction and the improvement of existing housing.

Over the years a number of projects have been realised, generally in cooperation with the federal government. Implemented programs have ranged from those designed and funded by the federal government to those cost shared between the federal and provincial governments to those designated and funded by the provincial government. In a number of cases, the province has taken the role of selecting and promoting those federal programs which are most relevant for the province. In some cases this has led to actual delivery of these programs. A brief description is given in the following paragraphs of the main programs in operation at the time of preparing this report in 1982.

Provincial Contributions to Seniors Program

Under this program home owners over 60 years of age can receive grants from the province (to a maximum of \$750 in 1982) for the purchase of construction material for repairs to their home. This program is 100 per cent provincially funded. However, as a condition for granting the money the province requires that a community group be prepared to assume responsibility for the repairs; such groups are generally funded under a federal government job creation program.

The program aims at helping senior citizens who wish and can stay in their home to make the necessary repairs that will enable them to do so, furthering in that way what is perceived as a desirable social goal.

Residential Rehabilitation Assistance Program

The thrust of the Residential Rehabilitation Assistance Program was explained in the federal part of this report. Basically it is a program of loans assistance for the rehabilitation of homes and housing. The program is entirely funded by the federal government under the terms of the National Housing Act and is delivered by the provincial government in most areas of the province.

The Government of Prince Edward Island has given high priority to this program using it broadly to achieve the renovation of the province's relatively old housing stock, one in every three houses being more than 50 years old. Between 1975 and 1981 over 25 per cent of all houses (some 9,300) have been repaired under this program.

When the owners of the houses to be renovated are welfare recipients the provincial government supplements the assistance provided under the Residential Rehabilitation Assistance Program by providing selective additional services, such as the supply of free labour through the Employment Training Corps and inspection services done by the P.E.I. Housing Corporation. In these cases the province also provides for the repayment of the loan which is repayable under the Program through increased social assistance support payments.

Senior Citizens Housing Program

Subsidized rental housing has been provided for senior citizens through provincial participation in the public housing program set up by the federal government under the terms of the National Housing Act. The particulars of this program were explained in the federal part of this report. Before 1977, the provincial share was 10 per cent of the project costs and 50 per cent of the operating losses; since 1977-78 the province's share is 25 per cent of both the capital costs and the operating losses. As of March 1982 there were 756 such subsidized rental units for senior citizens located in 32 different communities. In this program, emphasis is placed on building housing where people live and want to live rather than orienting projects in a way that would force them to move to another locality.

Family Housing Program

Subsidized rental housing is also provided for low-income families on the same basis as described above under the Senior Citizens Housing Program. As of March 1982, 191 units had been built in 9 different communities.

- (3) Information on the use of scientific and technical knowledge and of international cooperation for developing and improving housing construction, including safety measures against earthquakes, floods and other natural hazards;

Under this section, the situation with regard to building standards, and emergency measures in case of natural hazards will be briefly reviewed.

Building Standards

The Legislative Assembly has adopted legislation enacting a provincial building code which is not in force as it has not been proclaimed by the Lieutenant Governor in Council. However, while there is no general provincial building code in force, the Province does have and enforces an electrical code and plumbing code. Also, every new construction requires a building permit delivered by a municipality or by the Department of Community Affairs. Municipalities and home builders generally follow the guidelines established in the National Building Code and in the Canadian Code for Residential Construction (both of which were explained in the federal part of this report).

Where the Prince Edward Island Housing Corporation is involved in housing projects in the province, the corporation has the power to inspect plans of the housing intended to be built, and to inspect the construction of the units. In the case of repair projects the corporation can establish minimum standards to be met by applicants in order for them to qualify for assistance. (Sections 23 and 25). In these cases, the corporation uses the guidelines of the Canadian Code for Residential Construction.

Emergency Measures

The Emergency Measures Act, R.S.P.E.I. 1974, c. E-5, provides for mechanisms and plans to be established to deal with eventual emergencies.

The Act provides for the appointment of a Provincial Director of Emergency Measures who has responsibility to administer the Act (section 3). It also provides for the constitution of an advisory council to advise the Minister responsible for the administration of the Act (currently the Minister of Community Affairs) with respect to plans for emergency measures or to meet disaster (section 4), and for the appointment of a planning committee for emergency measures, chaired by the Provincial Director, which, subject to the direction of the Minister, shall formulate plans on all aspects of emergency measures in the province, shall direct and coordinate the activities of all organizations for emergency measures and disaster within the province and maintain liaison and cooperate with all civil defence and disaster agencies and organizations in the other provinces and with the Government of Canada (section 6).

Municipalities may pass bylaws for the establishment of a municipal or local emergency measures organization and for the appointment of a local director and staff to organize and operate the organization under the direction and control of the Minister. Subject to the direction of the Minister in order that

all emergency measures plans in Prince Edward Island may be coordinated, a municipal or local emergency measures organization may prepare an emergency measures plan for the municipality and for mutual aid with other municipalities (section 7).

The Lieutenant Governor in Council may declare that a state of emergency exists due to war, hostile action, sabotage or civil disaster. When a state of emergency exists under this Act or under any Act of the Parliament of Canada, the Minister may do or authorize the doing of any and all acts necessary or advisable in connection with emergency measures or of meeting any disaster beyond the capacity of a municipality to cope with effectively, including the making of arrangements for the adequate housing of persons evacuated or removed. (Section 8).

- (4) Information on measures taken or envisaged to solve the special problems of housing, water supply and sanitary conditions in rural areas;

In 1976, 61 per cent of P.E.I.'s population lived in rural areas. This was the highest proportion of rural population in Canada, and nearly three times the national average. Over the seventies, the Island has not experienced much urbanization of its rural population: the same proportion of the population lived in rural areas in 1971 as in 1976. A further 6 per cent of the population lived in small urban communities of 1,000 to 10,000 population in 1976 - a slight increase from 4 per cent in 1971.

With so much of its population living in rural areas, where most of the lowest quality housing is found, it is not surprising that the province has placed a high priority on programs in these areas.

In effect, the programs described above under heading (2) fit the purposes of solving the special problems of housing in these areas.

In addition, the provincial government has participated in the federal Rural and Native Housing Program which is designed to replace the very worst rural housing that could not be rehabilitated. The share of the province under that program was 25 per cent of the costs. Over the years some 38 homes were built in the province under this program. They were for families that were severely overcrowded and which were housed in homes with inadequate heat and indoor plumbing. All families so rehoused had very low incomes.

Water Supply and Sanitary Conditions

The supply of water and the disposal of sewage are regulated through the Planning Act, R.S.P.E.I. 1974, c. P-6, the Environmental Protection Act, S.P.E.I. 1975, c. 9, and the Well Drillers Act, R.S.P.E.I. 1974, c. W-5.

The Planning Act provides for the adoption of plans designed to secure the health, safety, convenience, or welfare of the inhabitants of the area covered. A plan must include statements of policy with respect, among other things, to sewage collection, treatment and disposal, and water supply and distribution.

Under the Environmental Protection Act, municipalities can obtain financial assistance from the provincial government to help defray the cost of preparing plans for purification systems to serve the territory of two or more municipalities. Subsidies may also be granted to any municipal corporation or industry which undertakes alone or in collaboration with another municipal corporation or industry construction of purification systems for land, air or water. (Sections 11-13).

The Act further provides that the plans and specifications for the establishment, extension or change in any epuration system must be approved by the Minister responsible for the administration of the Act (currently the Minister of Community Affairs) before the work is undertaken. (Section 15).

The Well Drillers Act and the regulations adopted under the Act have as an objective to protect the underground water from pollution. Under the Act and regulations, permits are required for well drilling and the drilling must be made in accordance with prescribed specifications.

(5) Measures taken for the protection of tenants such as rent control and legal guarantees;

Measures for the protection of tenants can be found mainly in the Landlord and Tenant Act, R.S.P.E.I. 1975, c. L-7, and in the Rent Review Act, S.P.E.I. 1975, c. 82. Earlier in this section it was mentioned that the Human Rights Act, S.P.E.I. 1975, c. 72, prohibits discrimination in the renting of housing accommodation on the basis of the factors enunciated in the Act.

Landlord and Tenant Act

The Landlord and Tenant Act, Part V, regulates the relations between landlords and tenants in rental housing accommodation. The relationship is one of contract in the form of a tenancy agreement which can be either written or oral, express or implied. Where a tenancy agreement is in writing, the landlord must deliver a copy to the tenant.

Under the Act, a landlord is responsible for providing and maintaining the rented premises in a good state of repair and fit for habitation during the tenancy and for complying with health and safety standards (section 102). Health and safety standards are contained in the Rental Accommodation Regulations adopted under the Public Health Act. The Regulations deal with such matters as space requirements, sanitary facilities, ventilation,

lighting, heating, housekeeping requirements, garbage disposal, and food storage. The Regulations provide for the inspection of rental dwellings by inspectors of the Department of Health and Social Services.

Tenants are protected against unwanted intrusion by the landlord into their premises. Section 103 of the Act provides that the landlord must not exercise a right to enter the rented premises unless he/she has first given written notice to the tenant at least 24 hours before the time of entry, which must be between the hours of eight in the forenoon and nine in the afternoon and specified in the notice, except in cases of emergency or with the consent of the tenant at the time of entry.

A tenancy agreement can be terminated upon notice given in writing either by the tenant or by the landlord, one week in advance in the case of a weekly tenancy, one month in advance in the case of a monthly tenancy, and two months in advance in the case of a year-to-year tenancy. Unless a tenant has vacated or abandoned rented premises, however, the landlord cannot regain possession of the premises except under the authority of an order issued by a judge upon an application by the landlord. Such an order can be refused if it appears to the judge that the notice to quit was given because of the tenant's "bona fide" complaint to any governmental authority of the landlord's violation of any statute or municipal bylaw dealing with health or safety standards, including any housing standard law, or that the notice was given because of the tenant's attempt to secure his/her legal rights. (Sections 107-116).

Other provisions of the Act include a provision to the effect that the landlord's consent may be required for subletting a residential premises (section 92(2)), and provisions entitling the landlord to require a security deposit, the amount of which must not exceed one month's rent, on which a yearly interest of 10 per cent must be paid, and which must be returned to the tenant upon termination of the agreement (sections 96-97).

Rent Review Act

Rent controls were introduced in Prince Edward Island in 1975 with the enactment of the Rent Review Act.

Under the Act, the amount of increase in rent that landlords are allowed to ask from their tenants is prescribed annually by the Lieutenant Governor in Council (section 4(1), (2)).

During the years 1975 to 1977 the percentage of increase allowed was eight percent. From 1978 to 1981 it was six percent in dwellings heated by the landlord and four percent in dwellings heated by the tenant. In 1982 the percentage of increase allowed is eight percent in heated dwellings and four percent in non-heated dwellings. Since 1979, in cases where there had been

no increase during the previous 12 months, landlords are allowed to increase the rent by ten per cent in heated dwellings and six per cent in non-heated dwellings.

When a landlord anticipates increased operating costs and capital expenses he/she can apply to the rentalsman to obtain permission to increase the rent by a higher amount than the percentage prescribed by the Lieutenant Governor in Council.

Tenants can challenge rent increases before the rentalsman whether or not the increase requested is within the limits set out by the Lieutenant Governor in Council.

The rentalsman is an officer appointed by the Lieutenant Governor in Council to administer the rent review requirements of the Rent Review Act. The rentalsman has authority to hold hearings on applications and, for the purposes of a hearing, he/she has the powers of a commissioner under the Public Inquiries Act, R.S.P.E.I. 1974, c. P-30. The rentalsman may by order determine the rate of increase allowed after considering the evidence presented at the hearing. The decisions of the rentalsman, however, can be appealed to a judge of the Supreme Court of Prince Edward Island by either party.

Other features of the Rent Review Act include a provision to the effect that a landlord must give a 90 day notice to the tenant before increasing the rent, a provision to the effect that no increase of rent shall be made unless one year has expired since the date of any previous increase, and a provision to the effect that the value of a discontinued service could be determined as being a rent increase.

The Rent Review Act does not apply to non-profit, limited dividend or public housing, as rent increases in these cases are already subject to the approval of the Government of Canada or of Prince Edward Island.

(6) Statistical and other available data on the realization of the right to housing.

In 1978, 79.4 per cent of Prince Edward Island households owned their own dwellings compared with 63.2 per cent for the whole of Canada.

In 1961, only 65.5 per cent of all P.E.I. households had running water facilities compared with over 94 percent in 1978. In 1978, 94 per cent of the homes had installed bath facilities compared with 98.2 per cent for the whole of Canada.

P.E.I. housing stock is considered as relatively old with over one third of all houses having been built more than 50 years ago. About 1,200 new housing units are being built each year while some 1,000 units are being renovated.

In an appendix to this report statistical data are provided on the housing situation for the whole of Canada.

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

A. Principal laws, administrative regulations, collective agreements and other types of arrangements designed to promote and safeguard the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and relevant court decisions, if any.

The principal laws and programs designed to promote and safeguard the right of everyone to the enjoyment of the highest attainable standard of health will be reviewed below under the various headings. They include the Public Health Act, S.P.E.I. 1980, c. 42, the Hospital and Diagnostic Services Insurance Act, R.S.P.E.I. 1974, c. H-10, the Health Services Payment Act, R.S.P.E.I. 1974, c. H-2, the Workers' Compensation Act, R.S.P.E.I. 1974, c. W-10, and the Environmental Protection Act, S.P.E.I. 1975, c. 9.

B. Information on:

(1) Measures taken to reduce the stillbirth-rate and infant mortality;

Measures taken to reduce the stillbirth-rate and infant mortality include the special attention provided to pregnant women in the health care system and the services of public health nurses, as discussed under heading 10-B(2) above.

In addition, various detection and preventive measures are taken including:

- the genetic screening of parents who have delivered a defective child and parents who have the potential to deliver a defective child;
- a program of immunization against rubella: premarital screening of blood for immunity; prenatal screening of blood as requested by the physician; and immunization of all girls in grade V at school, and of all girls and boys at 15 months of age;
- serological screening for syphilis of all women premaritally and prenatally;
- provision of immune globulin at 28 weeks gestation to prevent complications with anti-body formation and the giving of serum after birth to prevent the formation of anti-bodies, in cases when the blood of the mother is Rh negative and the blood of the father is Rh positive; and
- aminoacidopathies testing and thyroid screening of all babies.

(2) Measures taken for the healthy development of children;

In addition to the measures described under heading 10B(2), under heading 10 C and under the previous heading, measures for the healthy development of children include the following.

Pregnant Women and New Born Infants

In order to reduce the incidence of poor health resulting from low birth weight, the Department of Health and Social Services provides nutrition counselling to "nutritionally high risk" pregnant women. It also provides pregnancy food allowances, vitamin/mineral supplement and milk tickets to such women when they are considered in financial need.

The Department provides information on infant nutrition to all new mothers in Prince Edward Island through the distribution in all hospitals of a brochure on infant nutrition. It provides free milk tickets to mothers in financial need who choose to breast feed their infants and accept nutrition counselling. It also assists mothers who receive a service from its Social Services Branch in improving the nutrient intake of infants less than one year. Finally, it provides nutritional assessments on all infants taken into care by the Branch, and recommends appropriate nutritional intakes to foster and adoptive parents of these infants.

Pre-School Children

Public health nurses supervise the growth and development of young children. Child health conferences are held weekly or monthly at various locations across the province for immunization and health assessment. Comprehensive screening of nutrition intake, vision, hearing, speech and language, and motor abilities is conducted at 2-4-6-15 months, and at 3½ and 5 years of age. The nurses also visit day-care institutions and kindergartens on the Island to examine children, test vision and hearing, and immunize as necessary.

Children Attending School

Public health nurses work with teachers toward a healthy school environment, and assist in health curriculum and classes. Part of the nurses' program is to conduct screening tests designed to detect individual health problems. The nurses then assist the parents in securing proper medical care.

In the design of school facilities, every possible effort is made to ensure a healthy environment. This applies in such things as ventilation, control of noise, cleanliness of the installations, facilities for personal hygiene, choice of equipment, playgrounds, sports equipment, and adequate space for the students.

Physical Education and Sports

A government sponsored agency monitors school sports to ensure that they do not endanger the health of the participants. The choice of sports organized in the schools takes into account the degree of risk for the health of the participants, and, in sports and physical education programs, safety equipment is provided and required.

Efforts are being made to increase the level of physical activity in the school program, from two weekly periods of 30-40 minutes to daily periods of 20-30 minutes as suggested in the Unesco guidelines for physical education.

School Milk Program

A school milk program was introduced in Prince Edward Island schools to encourage children to drink milk. The program is carried on by the School Milk Foundation in cooperation with government departments and the milk industry. The program is designed to provide a nutritious drink at school at low cost.

Children's Dental Care Program

The Children's Dental Care Program was introduced in October 1971 with the long range goal of assisting all children throughout the province to achieve and maintain a high level of dental health. The Program provides dental health education, preventive services, preventive orthodontic services and a broad range of basic dental treatment. All children between the ages of four to sixteen are covered by the Program. All services covered are free except for a nominal registration fee which was fixed in 1982 at four dollars per child with a maximum of 12 dollars per family.

- (3) Measures taken to protect and improve all aspects of environmental and industrial hygiene, to prevent air, land and water pollution, to overcome the adverse effects of urban development and industrialization, etc.;

The Environmental Protection Act, S.P.E.I. 1975, c. 9, is the principal law dealing with the protection of the environment in Prince Edward Island. Other pertinent legislative provisions can be found in the following acts:

the Well Drillers Act, R.S.P.E.I. 1974, c. W-5;
the Public Health Act, S.P.E.I. 1980, c. 42;
the Agricultural Chemicals Act, R.S.P.E.I. 1974, c. A-4;
the Planning Act, R.S.P.E.I. 1974, c. P-6; and
the Recreational Development Act, R.S.P.E.I. 1974, c. R-9.

Environmental Protection Act

The Environmental Protection Act prohibits the discharge or deposit of any material of any kind onto land or into the air or into any water or water course, or into any place that may cause pollution or impair the quality of the land, air or water, unless such discharge or deposit is approved by the Minister responsible for the administration of the Act, currently the Minister of Community Affairs. Violators of that prohibition are liable on summary conviction to a fine of not less than 100 dollars and not more than 5,000 dollars, and in default of payment to imprisonment for 90 days. (Section 9).

In order to protect the environment, the Minister has the power to investigate any cause of pollution, to prepare plans to combat pollution, to coordinate the work of all provincial authorities respecting the control of pollution, to control noise levels resulting from commercial or industrial operations, to cooperate with any public or private body or person in any matter relating to the control of pollution, and to exercise exclusive control of the use of all surface ground and shore waters, the allocation of the use of water, pollution originating within the jurisdiction of the province, and alteration of the natural features of any water course or lake and the natural movement of the water therein. The Minister may also require any provincial authority to investigate and report on any matter related to pollution or the control of pollution.

The Minister may direct that an investigation be made respecting an alleged cause of pollution and a report submitted to him/her. Where such a report recommends that it is in the public interest to require the taking of action, the Minister may order the taking of remedial action to combat, eliminate or investigate the cause of pollution. The Act provides for penalties for failure to take action required by such an order. (Section 6).

The Minister can take direct remedial action to combat, eliminate or mitigate a cause of pollution. And when such action is taken because of the failure of any person to comply with an order made by the Minister, the costs and expenses of that action may be recovered from that person by action in the Supreme Court of Prince Edward Island. (Section 7).

The Act also empowers the Minister to examine any land, air or water in the province to ascertain their degree of pollution and determine the causes of pollution, and to enter any premises, plant or other establishment to investigate.

Municipalities can obtain financial assistance from the provincial government to help defray the cost of preparing plans for purification systems to serve the territory of two or more municipalities. Subsidies may also be granted to any municipal corporation or industry which undertakes alone or in collaboration with another municipal corporation or industry construction of purification systems for land, air or water.

The Act further provides that the plans and specifications for the establishment, extension or change in any epuration system must be approved by the Minister before the work is undertaken.

In order to assist in the carrying out of the intent and purpose of the Act, regulations can be adopted by the Lieutenant Governor in Council with respect to a number of matters related to the environment including plumbing, sewage disposal systems, noise as a form of pollution, beverage containers, air pollution and the emission of contaminants from any source, and the storage and handling of petroleum products. Regulations adopted deal with plumbing, sewage disposal and beverage containers.

Well Drillers Act

Prince Edward Island is a low-land island surrounded by salt water. All its fresh water is taken underground below sea level. Any leak that would permit salt water or contaminated water to enter a fresh water well might mean the destruction of the fresh water resource in the affected area. That means that the protection of the underground fresh water is of crucial importance in Prince Edward Island.

The Well Drillers Act, R.S.P.E.I. 1974, c. W-5, and the regulations adopted under the Act have therefore as an objective to protect the underground water from pollution. Under the Act and regulations, permits are required for well drilling and the drilling must be made in accordance with prescribed specifications.

Public Health Act

Under the Public Health Act, S.P.E.I. 1980, c. 42, the Minister of Health and Social Services has the duty, among other things, to investigate the harmful effects on health of the physical environment.

Agricultural Chemicals Act

The Agricultural Chemicals Act, R.S.P.E.I. 1974, c. A-4, regulates the use of fertilizers, pesticides, plant growth regulators, soil supplements, and other substances used to control plant or animal pests or to promote or control plant growth, in such a manner as to prevent the contamination of the environment.

Planning Act

The Planning Act, R.S.P.E.I. 1974, c. P-6, provides for the adoption of plans designed to secure the health, safety, convenience, or welfare of the inhabitants of the area covered. A plan must include statements of policy with respect, among other things, to sewage collection, treatment and disposal, water supply and distribution, and garbage collection and disposal.

In addition, the Act authorizes the Lieutenant Governor in Council to make regulations establishing as a precondition to the issuance or continuation of a building or development permit that the provisions of the Environmental Protection Act respecting sewage and water permits and systems be complied with.

Recreation Development Act

Under the Recreation Development Act, R.S.P.E.I. 1974, c. R-9, the Minister charged with the administration of the Act may encourage the conservation of natural resources and participate in conservation programs with other public and private agencies.

- (4) Comprehensive schemes and specific measures, including vaccination programmes to prevent, treat and control epidemic, endemic, occupational and other diseases and accidents in urban and rural areas;

Measures to prevent, treat and control epidemic, endemic, occupational and other diseases and accidents are contained in the Public Health Act, S.P.E.I. 1980, c. 42, and in the regulations adopted under the Act. Other measures can be found also in the Industrial Safety Regulations and other regulations adopted under the authority of the Workers' Compensation Act, R.S.P.E.I. 1974, c. W-10.

(i) General

Under the Public Health Act it is the duty of the Minister of Health and Social Services to:

- "(a) coordinate measures for the protection of public health and the distribution, supervision and evaluation of health services;
- (b) gather and analyse data on the effects of localities, employments, conditions, habits, interventions and other circumstances upon the health of the public;
- (c) survey and inquire into the causes of disease, injury, morbidity and mortality in the province, including the investigation of the harmful effects on health of the physical and social environment;
- (d) take such measures as he considers necessary for the prevention, interception and suppression of communicable disease and other problems affecting the health of the public;
- (e) carry out and encourage the implementation of programs for education, training, research and information in the fields of prevention, diagnosis and treatment of disease, rehabilitation of the sick, injured and handicapped, and public health generally;

- (f) encourage the adoption of healthy modes of living by individuals and identified groups at risk in order to reduce self-imposed risks resulting from detrimental lifestyles;
- (g) cooperate with and assist governmental and non-governmental agencies to improve public health." (Section 3).

The Act provides for the appointment of a duly qualified medical practitioner as Chief Health Officer who is responsible for supervision of its administration and enforcement, and for the appointment of health officers and medical health officers to assist the Chief Health Officer. The health officers have the powers of entry and seizure necessary to enforce the provisions of the Act.

In case of a natural or accidental disaster the Chief Health Officer may assist, coordinate or take such measures as may reasonably be requested by municipal officers, peace officers, medical and hospital personnel or other persons with comparable responsibility, or as he/she considers necessary to provide emergency relief for the protection of health.

The Lieutenant Governor in Council may make regulations for the prevention, treatment, mitigation and suppression of conditions of ill health and the protection of the health of the public, and in particular, with respect to, among other things,

- the treatment of water for human consumption;
- the safety and health of bathers at swimming pools and beaches;
- the purity of ice stored or supplied for human consumption;
- protective standards to govern containers and packaging of drugs and other substances;
- the control of health hazards from devices whose operation involves ray-emission or principles of radiation;
- health and safety standards for the protection of persons attending outdoor events and of the public generally;
- the inspection, location, design, construction, licensing, maintenance, cleaning and disinfecting of all buildings in which a service to the public is offered.

The provisions of the Act prevail over the bylaws adopted by municipalities but they do not prevent municipalities from imposing additional restrictions provided that these are not inconsistent with the Act or the regulations.

Other provisions of the Public Health Act deal with matters related to the protection of health in the distribution of food. These were reviewed above in the section on the Right to adequate food, under heading 11B(7).

(ii) Health Promotion

Emphasis has started to be put on the preventive aspect of health programs. For example, a modest health promotion program has been established in the Department of Health and Social Services. Under the program, a Health Promotion Coordinator devotes her time to efforts to develop health prevention programs by maintaining contact with the various health services, as well as, with other government services and non-governmental organizations and by providing them with support and assistance where feasible. The Coordinator secures literature and audio-visual material for these groups and offers them guidance and technical advice in their own health promotion efforts.

(iii) Communicable Diseases

Section 12 of the Public Health Act provides that

"(1) Where a health officer knows of the existence in any dwelling of any communicable and notifiable disease which is dangerous to the public health in a school setting, he shall at once notify the principal of the school at which any member of the household is in attendance, and the principal shall prevent further attendance of persons affected until they no longer endanger the public health.

(2) Where a teacher or principal of a school has a reasonable belief that any pupil has, or that there exists in the house of any pupil, a disease specified in subsection (1), he shall notify a health officer who shall inquire into the matter, and the principal shall prevent the attendance at school of pupils who have the disease in a communicable form."

Section 13 authorizes the Chief Health Officer to close any school, church or place used for public gathering or entertainment where he/she considers it necessary to prevent the occurrence or spread of communicable disease.

The Lieutenant Governor in Council may make regulations, among other things, with respect to:

- the designation of communicable diseases and notifiable diseases, injuries and other conditions of ill health, and the reporting to the Chief Health Officer, by every medical practitioner, laboratory director, hospital administrator and any other person having knowledge, of

any person affected by or reasonably suspected of having any notifiable disease or any disease dangerous to the public health, or any incidence of injury or other condition of ill health designated as notifiable;

- standards of biological products intended for the prevention or control of disease;
- the control of epidemics;
- the supply of medical aid, the methods of screening for, accommodation and other services necessary to mitigate a communicable disease;
- immunization, including the requirement that a general or specific group of persons be immunized;
- the surveillance, isolation or placing in any hospital or building provided for quarantine or isolation purposes of any person having, or reasonably suspected of having, or any person suspected of being a carrier of, any communicable disease dangerous to the public health;
- the inspection, cleaning, purifying, disinfecting or otherwise disposing of all clothing, utensils, bodily discharge and all other articles exposed to persons suffering from communicable disease, including the bodies of persons whose death was caused by a communicable disease;
- the control of the transit of persons and conveyances whether public or private, exposed to persons suffering from a communicable disease, and the inspection, cleaning, purifying and disinfecting thereof and anything contained therein at the expense of the owner, occupier or person having care thereof, and for detaining any person travelling thereby so long as may be necessary; and
- the course of conduct to be pursued with regard to any person infected with tuberculosis in order to prevent the infection of other persons, and the compulsory removal when necessary of such person and his/her treatment in a sanatorium, hospital, approved home or other institution for persons suffering from tuberculosis.

(iv) Occupational Diseases and Accidents

Measures dealing with occupational diseases and accidents are contained in the Industrial Safety Regulations issued by the Workers' Compensation Board under the authority of the Workers' Compensation Act. The regulations deal with conditions of safety and health in the following areas: sanitation and accommodation, ventilation, illumination, first aid, industrial health hazards, personal protective equipment, housekeeping, handling and storage

of material, hand tools, explosive-actuated tools, ladders, scaffolds, electrical, storage batteries, construction equipment, stairs and ramps, floors, floor and wall openings, excavations, machine guarding, unsafe practices, welding and burning, handling of explosives, portable power-operated hand tools, cylinder for compressed, liquified and dissolved gases, mechanical safety, and logging.

Section 6 of regulation EC946/78, also made under the Workers' Compensation Act, provides that:

"Where an employer disregards the recommendations of a safety officer or other person authorized by the board to inspect the ways, works, machinery, and appliances for the safety of workers at the establishment of that employer, the board may increase the assessment of that employer according to the hazards and if on further inspection the hazards continue, the board may restrain him from carrying on operations until the hazards are removed to the board's satisfaction."

Under the Public Health Act regulations can be adopted by the Lieutenant Governor in Council with respect to protective standards and measures to prevent or reduce dangers to personal health related to the work environment.

Finally, it should be mentioned that the Government has undertaken an extensive review of all aspects of occupational health and safety. As a result of that study, in May 1982 the Legislative Assembly adopted the Occupational Health and Safety Council Act, S.P.E.I. 1982, c. 21, which creates a corporation known as the Occupational Health and Safety Council.

The Council is composed of not less than six members, one of whom must be a person nominated by the Workers' Compensation Board of Prince Edward Island, appointed by the Lieutenant Governor in Council who, in his opinion, are representative of management, labour and technical or professional persons and the public, and who are concerned with and have knowledge of occupational health and safety.

The objective of the Council is to prevent accidents and injury to health and well-being arising in the course of work and to eliminate or minimize hazards inherent in the working environment and working practices.

Subject to any policy directions given by the Minister of Labour, the functions of the Council are

- (a) to review existing services and to develop programs and coordinate the activities of agencies with a view to promotion of occupational health and safety;
- (b) to advise and assist government departments and agencies and other employers or organizations in the development

of policies and programs relating to matters affecting occupational health and safety;

- (c) to develop and supervise the provision of technical advisory services and to disseminate information regarding occupational health and safety;
- (d) to encourage and conduct investigations and research activities;
- (e) to develop and maintain an occupational health and safety information system and in particular to compile and analyse statistical data for the purpose of monitoring the situation relating to occupational health and safety;
- (f) to make recommendations as to appropriate legislation to govern occupational health and safety;
- (g) to advise the Minister on matters relating to occupational health and safety that may be brought to the attention of the Council or be referred to it.

- (5) Comprehensive plans and specific measures to assure to all age groups and all other categories of the population, including in particular in rural areas, adequate health services including adequate medical attention in the event of sickness or accident;

The Prince Edward Island health system is overseen by the province's Minister of Health and Social Services mainly through two major health plans, the Hospital Services Plan and the Health Services Plan which form part of the overall health services of the province.

The Hospital and Diagnostic Services Insurance Act, R.S.P.E.I. 1974, c. H-10, provides the legislative authority under which residents of the province are insured against the costs of hospital care and other services in aid of diagnosis.

Under the Health Services Payment Act, R.S.P.E.I. 1974, c. H-2, provision is made for payment toward the cost of basic health (medical) services for all insured residents of the province.

The plans are administered by separate commissions established by the Government of Prince Edward Island, the Hospital Services Commission and the Health Services Commission. However, the day to day operation is an integrated system covering both the hospital and health plans.

Eligibility

Both plans cover all bona fide residents who are not eligible for the specified services under other government plans such as

Workers' Compensation or federal plans covering serving members of the Canadian Armed Forces, the Royal Canadian Mounted Police, etc.

A resident of Prince Edward Island is defined as a person who is legally entitled to remain in Canada and who makes his/her home and is ordinarily present in Prince Edward Island, but does not include a tourist, transient or a visitor to Prince Edward Island.

All new residents must register with the plans in order to become eligible. Entitlement to benefits begins on the first day of the month following two consecutive months after establishing a permanent residence in the province.

Landed immigrants, repatriated Canadians, returning Canadians, returning landed immigrants or a Canadian citizen or spouse of a Canadian citizen assuming residence in Canada for the first time, and who establishes permanent residence in Prince Edward Island, are entitled to benefits from the date he/she establishes such residence, providing he/she complies with the registration requirements.

Residents of Prince Edward Island who are absent from the province for educational purposes continue to be entitled to benefits for a period of 12 months after departure. Coverage may be continued if the student returns to the province to re-establish his/her residence during the 12 month period. Coverage will terminate after 12 months continuous absence.

Benefits

The benefits provided under the Hospital Services Plan are:

- (a) accommodations and meals at standard ward level;
- (b) necessary nursing services;
- (c) laboratory, radiological and other diagnostic procedures together with the necessary interpretations for the purpose of maintaining health, preventing disease and assisting in the diagnosis and treatment of any injury or disability;
- (d) drugs, biologicals and related preparations which are prescribed by an attending physician, in accordance with accepted practice and sound teaching and administered in a hospital but not including preparations sold under the Proprietary or Patent Medicine Act (Canada);
- (e) use of operating room, case room and anaesthetic facilities including necessary equipment and supplies;
- (f) routine surgical supplies;

- (g) use of radiotherapy facilities where available;
- (h) use of physiotherapy facilities where available;
- (i) services rendered by persons who receive remuneration therefor from the hospital.

Services which are not covered under the Plan include such services as special nurses requested by patient or family, ambulance, preferred accommodation (semi-private or private) requested by the patient or family, appliances such as crutches, drugs for use outside hospital. Dental extractions are not considered insured services except in cases where the patient must be admitted to hospital for medical reasons with prior approval of the Commission.

The Health Services Plan contributes toward the cost of most medically required services rendered by physicians including:

- visits to the patient's home, to the doctor's office or in hospital;
- anaesthetic services;
- surgical services;
- obstetrical services, including pre-natal and post-natal visits;
- certain oral surgery procedures performed by dentists where admission to hospital is required.

Some services, such as cosmetic surgery not medically required, advice or prescriptions given over the telephone, eye glasses or lenses and other appliances such as hearing aid, artificial limbs or other devices, are not covered. Services rendered by chiropractors and optometrists as well as the normal services rendered by a dentist in his/her office are not covered either.

In cases of services rendered outside the province to residents of Prince Edward Island both plans provide for coverage of costs or reimbursement within certain limits and providing certain conditions are met.

- (6) Main features of existing arrangements for the provision of medical care and methods of financing them.

The costs of the services provided under the Prince Edward Island health and hospital plans are shared by the Province of Prince Edward Island and by the Government of Canada. The provincial share is provided through the general revenues of the Province while the federal share is provided through a return of some of the income tax collected, on the basis of percentage points

negotiated with the province and decided upon by the federal government by virtue of the Federal-Provincial Fiscal Arrangements and Established Programs Financing Act, 1977, Statutes of Canada 1976-77, c. 10.

No premiums have to be paid for the receipt of hospital or medical services, and the services covered under both plans are provided free of charge to patients. However, physicians have the right to selectively opt out on an individual service or series of services rendered to an eligible resident. In that case, prior to rendering the service, the physician must inform the patient that he or she will be billed directly for the service, and the physician must sign the claim form and report thereon the amount being charged to the patient.

On receipt of the claim form and after assessment, payment at the Commission's Tariff of Fees is forwarded to the patient.

C. Statistical and other available data on the realization of the right to health, in particular, statistics on infant mortality, number of doctors per inhabitant, number of hospitals and hospital beds, etc.

Statistical information on the general mortality rate, on infant mortality, on the number of doctors per inhabitant, and on the number of hospitals and hospital beds is provided below. Statistical information on these subjects is also provided in an appendix to this report.

Mortality rates

Between 1921 and 1977 the standardized (age-adjusted) death rate in Prince Edward Island has consistently declined, from 12.7 per thousand population in 1921 to 6.3 per thousand population in 1977. During the same period, the national rate declined from 12.9 in 1921 to 6.3 in 1977.

Infant mortality

During the period 1921-1977 infant deaths declined from 83.5 per thousand live births in 1921 to 18.8 in 1977. For the whole of Canada, the rate had declined from 102.1 per thousand live births in 1921 to 12.4 in 1977.

In 1980 the death rate of infants under one year was 11.2 per thousand live births while the rate for the whole of Canada was 10.4. The rate of perinatal deaths (i.e., foetal deaths of 28 or more weeks' gestation plus infant deaths under 7 days (1 week) of age) was 12.7 per thousand total births, and the rate of neonatal deaths (i.e., deaths under 28 days of age) was 8.2 per thousand live births. The rate of post-neonatal deaths (i.e., deaths between four weeks and one year of age) was 3.1 per thousand live births.

Number of doctors per inhabitant

According to the Canada Health Manpower Inventory compiled by the Department of National Health and Welfare the ratio physicians/inhabitants was one physician per 810 inhabitants in 1979 while the national ratio was one physician per 551 inhabitants. In 1969 the number of inhabitants per physician was 1170. Between the period 1969 to 1979 the number of physicians increased from 94 to 153.

Number of hospitals and hospital beds

There are seven general hospitals and one mental health hospital in Prince Edward Island. The total of hospital beds is approximately 670 in the general hospitals and 200 in the mental health hospital.

4. MANITOBA¹

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

INTRODUCTION

In Manitoba there is legislation respecting property and maintenance and the use of counselling and other services to encourage the continuation of the family and family life. There is also legislation designed to provide protection of the individual members within a family both during the marriage and in cases of dissolution. The legislation and regulations cover residents, both spouses and children, without discriminating on the basis of race, colour, sex, language, religion or national status.

A. Protection of the family

- (1) Principal laws, administrative regulations and collective agreements designed to promote protection of the family, and relevant court decisions, if any;

The Dower Act, RSM 1970, Cap. D100²

A married man cannot dispose of or change his homestead without his wife's consent, and she must acknowledge apart from her husband that the consent was voluntarily executed of her own free will and accord and that she was aware of that to which she was agreeing. Similarly a wife cannot dispose of a homestead without her husband's consent. A wife is entitled to an estate in the homestead for the rest of her natural life upon the death of her husband and in addition, is entitled to one-half of the rest of his estate upon his death. Moreover, a wife or husband who has left her/his spouse with the intention of living separate and apart has no right to a life estate in the homestead or to any share in the spouse's estate unless application is made to a Surrogate Court judge who otherwise directs.

The Married Women's Property Act, RSM 1970, Cap. M70

A married woman has the same property and contractual rights as if she was unmarried. A husband and wife may sue each other.

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1. Report prepared by the Department of the Secretary of State in consultation with the Government of Manitoba.
 2. In this report reference will be made to the Revised Statutes of Manitoba (RSM 1970), or to the Statutes of Manitoba (SM) for the legislation adopted since 1970. For accuracy on the present form of each statute, amendments should be examined. The Province of Manitoba also provides a continuing consolidation service.

The Marital Property Act, SM 1978, c 24

Spouses have the right to have their assets divided equally on separation or divorce or where one spouse is in the process of dissipating the family assets. Assets include those acquired before the marriage. However assets inherited by a spouse from another person are not divisible. A court may vary the distribution depending upon circumstances. Each spouse has the right to use and enjoy the marital home and other family assets, regardless of ownership, subject to any order of a court giving possession to one spouse to the exclusion of the other.

The Family Maintenance Act, SM 1978, c 25

Each spouse has the obligation to contribute reasonably to the other's support and maintenance without regard to conduct. After separation, a spouse has an obligation to take all reasonable steps to become financially independent of the other spouse. Each spouse has the obligation to provide reasonably for the support, maintenance and education of any child of the other spouse, while the child is in the custody of them or either of them, until the child is 18 years old, but this obligation is secondary to that of the child's natural parents. This Act applies to an unmarried couple who have cohabited for at least one year and there is a child of the union. If there are no children of the union, either the man or the woman may apply to a court to have this Act applied as though they were married to each other. A court may order the occupancy of a dwelling by one spouse regardless of ownership and prohibit the entry of a spouse onto the premises occupied by the other spouse, where the court deems proper.

The Parents' Maintenance Act, RSM 1970, Cap. P10

A son or daughter is liable for the support of dependent parents if the child has sufficient means. Under this Act the Court may order that a son or daughter pay a weekly sum of money, which is no more than \$20, for the support of the parent.

- (2) Guarantees of the right of men and women to enter into marriage with their full and free consent and to establish a family; measures taken to abolish such customs, ancient laws and practices which may affect the freedom of choice of a spouse;

The Marriage Act, RSM 1970, Cap. M50

Every person aged 18 or over may marry in Manitoba. Medical examination is not required except for mentally disordered persons. All candidates to marriage require a serological test prior to the date of marriage, except in designated areas outlined in the regulations.

Under common law in Canada, a marriage entered into without free consent of both parties is either void or voidable.

- (3) Measures to facilitate the establishment of a family such as subsidies or installation grants, provision of housing and other benefits;

Housing Assistance

See Article 11, D. Right to housing.

Family Planning

The Manitoba Department of Health assists families in family life education and family planning through educational and preventive health services. In addition Planned Parenthood Manitoba operates a number of programs designed to increase understanding in such fields as human reproduction, birth control and family life. Other agencies are involved in this field, including hospitals and medical clinics.

- (4) Measures aimed at maintaining, strengthening and protecting the family, such as family allowances, tax-exemption facilities, child-care institutions, etc.

Family Counselling

A considerable range of agencies is involved, depending upon the needs of the individuals concerned. Family counselling is done principally by social workers employed by provincial and municipal government agencies, by family courts and correctional services workers and by a range of private agencies. The purpose of these programs is to encourage the maintenance of the family. The Department of Community Services and Corrections provides counselling in the areas of family and parent-child and marital relations through eight regional offices. Marriage and conciliation counselling is provided by the family courts and by the Department of Community Services and Corrections. Among private agencies which provide family counselling are the children's aid societies, family services agencies and a number of agencies sponsored by religious groups. Many of these are funded in part by provincial or municipal governments.

Day Care Services for Children

The Social Services Administration Act, S.M. 1974, c. 34

This legislation provides general criteria for government funding and licensing of day care centres, noon and after school programs and family day care homes for children 0-12 years of age. At the end of 1981, there were 194 group day-care centres, 29 noon and after school programs providing day care to groups of six or more

children. There were also 245 family day-care homes each providing for up to five children. Of 7,882 children provided for, 5,627 were cared for in group centres, 1,216 in noon and after school facilities, and 1,039 in family day care homes.

This Act and its regulations also provide financial supplements to low-income families to assist them with the cost of caring for children.

The Social Allowances Act, RSM 1970, Cap. S160, and The Municipal Act, S.M. 1970, c. 100

These acts provide for financial assistance and social services to all families in need (see Article 11).

Family allowances and income tax provisions are administered by the federal government.

B. Maternity protection

(1) Principal laws, administrative regulations and collective agreements governing the various aspects of maternity protection and relevant court decisions, if any;

The principal laws governing the protection of maternity are discussed below.

(2) Pre-natal and post-natal protection and assistance, including appropriate medical and health care and maternity and other benefits irrespective of marital status;

Under The Health Services Insurance Act, SM 1970, c 81, every expectant mother, regardless of her marital status, is entitled to services of a family physician or an obstetrician before and after the birth of her baby, and to services in hospital at the time of birth without payment except for additional services that she may have to pay. Nearly every pregnant woman goes to hospital for childbirth.

Through the Department of Community Services and Corrections programs, pre-natal classes are available to everyone residing in the province. In urban areas, classes are frequent; in rural areas, they are advertised. Many family doctors refer patients to pre-natal classes. There are also private classes operated by hospitals and private groups. Most use le Maze breathing techniques. Prospective fathers attend 75-80% of the time.

It can also be mentioned that the Regulations under The Employment Standards Act offer some pre-natal protection as section 12 stipulates that the employer may not require or permit a female employee to lift articles of such weight that an excessive strain may be imposed on the employee.

Post-natal follow up is conducted by the Department of Health which obtains notification of birth from hospitals. Public health nurses visit all families with new born babies within about ten days after they return home from hospital. High risk babies are noted and visited monthly for six months, then quarterly for two years. The Department is developing a new screening process for identifying cases of risk. During home visits the public health nurse provides information on baby care, breast feeding, nutrition, and parent-child bonding along with handing out literature. In rural areas, these services may be supplemented by visits from home economists.

- (3) Special protection and assistance accorded to working mothers including paid leave or leave with social security benefits and guarantees against dismissal during a reasonable period before and after child birth;

The Employment Standards Act, RSM 1970, Cap. E110

This Act provides for unpaid maternity leave for every pregnant female person who has completed 12 consecutive months of employment with an employer, who gives four weeks notice and produces a medical certificate specifying the expected date of delivery. The leave consists of a period not exceeding 17 weeks plus the time between expected and actual delivery. It can be taken anytime within the 11 weeks before the expected date and 17 weeks following actual delivery. Every female person who is employed is covered by this Act. A female person who has completed maternity leave shall be reinstated in the same or comparable position with no less than the same wages and benefits. No employer shall dismiss or lay off a female person of 12 months standing solely because she is pregnant or has applied for maternity leave.

The Civil Service Act, RSM 1970, Cap. C110

Under regulations and agreements pursuant to this Act, every pregnant employee with 12 continuous months of employment with the Government, who submits an application four weeks prior to leave and a medical certificate specifying the estimated delivery date is entitled to up to 20 weeks unpaid maternity leave plus the time between expected and actual delivery date. The Civil Service Commission may extend the length of the leave. An employee who has been granted maternity leave shall be permitted to apply a maximum of ten days of her accumulated sick leave against the Unemployment Insurance waiting period.

Maternity leave benefits are provided by the federal government under the terms of the Unemployment Insurance Act, 1971. For details see the federal part of this report.

Finally, as mentioned above, day care centres supply day-care services to families, including subsidized services to low income families.

- (4) Specific measures, if any, in favour of working mothers who are self-employed or participating in a family enterprise, especially in agriculture or in small crafts and trades, including adequate guarantees against loss of income;

There are no regulations directed specifically at women who are self-employed. However, regulations under The Social Allowances Act provide a formula for supplementing the income of farm families who have or appear to be going to have a low income in a specific year. There is also a formula supplementation to families operating small businesses in order to provide family maintenance during an unusually low income period.

- (5) Specific measures designed to assist mothers to maintain their children in case of their husband's death or absence.

Widows may receive pensions under the Canada Pension Plan (see the federal part of the report) and The Worker's Compensation Act (detailed in Article 9 of the Manitoba section of the report of Canada on Articles 6 to 9 of the Covenant, pages 206 to 2083) provided that their husbands were covered by the provisions of these acts.

Under The Social Allowances Act a mother's income will be supplemented to provide for basic family necessities and supplementary services will be provided (see Article 11A).

The Social Services Administration Act, SM 1974, c 34

This Act and its regulations provide supplementation for special services, such as day care.

The Child Welfare Act, SM 1974, c 30

This Act includes provisions for unwed mothers to apply for a summons re: child support or the entering into an agreement with the putative father to pay for all or some of the maintenance and care costs.

The Act also provides that unmarried mothers may apply to a child caring agency for counsel and protection.

C. Protection of children and young persons

- (1) Principal laws, administrative regulations and other measures including collective agreements and court decisions, if any, aimed at protecting and assisting all children and young persons, in order to give them opportunities and facilities

3. Pages 186-187 in the text as reprinted by the United Nations in document E/1978/8/Add. 32.

for their healthy physical and psychosocial development without distinction or discrimination on account of birth, parentage, social origin or other conditions;

Under The Public Schools Act, RSM 1970, Cap. P250, schools must provide education facilities for everyone of school age. Although schooling is in part locally-funded in Manitoba, regulations and special funding programs pursuant to the Public Schools Act provide provincial grants to local school divisions expressly designed to promote equality of educational opportunity in all areas of the province, taking into account the widely differing social and economic conditions of the various regions.

Child guidance clinics are available throughout the province, either by the government or through grants. These clinics identify and treat children with special problems, by using psychologists, psychiatrists, social workers, speech therapists, hearing counsellors, etc.

The Child and Family Services Division of the Department of Health and Community Services operates to ensure that children receive the care and protection necessary for optimal emotional and intellectual growth and development. Its mandate includes the provision of guidance, counselling and other services to families in their homes for the prevention of circumstances requiring the protective placement of children.

- (2) Special measures for the care and education of children, separated from their mothers or deprived of a family; physically, mentally, or socially handicapped children; and delinquent minors;

Under The Social Allowances Act, R.S.M. 1970, Cap. S160, basic necessities are provided on behalf of a child under 18 years of age both of whose parents are dead or unable to contribute to his/her maintenance and who is entirely dependent on another person for basic necessities.

The Child Welfare Act, SM 1974, c 34, provides for protective guardianship for children without parents; abandoned children; children with parents unable to care for them; children whose life, health or morals may be endangered; in cases where parents are unmarried and the mother is not willing to assume responsibility; where parents neglect to provide proper medical care and treatment.

Where permanent wardship is given, the designated agencies may act as an adoption placement agency. The agency determines suitability. A child is placed in the adoptive home for six months before adoption is finalized. Consent to adoption may be withdrawn prior to adoption but not after the child has been placed. Foster parents may apply for adoption. A child of 12 or over must approve his or her adoption. Section 97 of the Act

makes it an offence punishable on summary conviction the fact of giving or receiving payment or reward for the adoption of a child.

Special measures for handicapped children

Under The Child Welfare Act parents may apply and the Director of Child Welfare may authorize placement in a residential facility and, depending on the extent of the disability, children may be accepted into the permanent or temporary custody of the Province.

Under The Social Services Administration Act the Child Day Care Program provides: special grants to day-care centres enrolling handicapped children to ensure appropriate staffing and activities; and special exemptions to parents of handicapped children applying for assistance.

The Public Schools Act provides training facilities for retarded children either within regular schools or in separate buildings. There is a special school for the deaf.

Special measures for socially handicapped children

Under The Social Services Administration Act the Child Day Care Program makes provision for families to enroll a child and apply for subsidy on the basis of special social needs of the family or child.

The Department of Education works with the federal government and Native Indian groups to provide schools in, or near Indian reservations for the attendance of both Indian and Métis children. There are several operational programs aimed at graduating professionals such as lawyers, teachers, health scientists from among the Native population, and from residents of unorganized northern areas and other socially disadvantaged groups, to serve as models and to encourage school attendance and educational attainment.

Special measures for delinquent minors

Section 16 of The Child Welfare Act provides for protective guardianship for children who are beyond the control of their parents or guardians, and for children whose behaviour is injurious to themselves or to someone else.

A peace officer may take a child into custody when there is reason to believe the child committed an offence. The child's parents must be notified and the peace officer must forthwith conduct an investigation. On completion, the child may be released to the parents (possibly requiring a written undertaking to bring the child back). If the peace officer believes it necessary, he may place the child in detention. The family court

judge can release the child, who in any case, cannot be locked up for more than 24 hours.

Children may be placed in detention homes, or treatment centres pending disposition by family court.

The Juvenile Delinquents Act (Canada) and The Child Welfare Act state that children cannot be locked up in the same room as an adult prisoner.

The Corrections Act, RSM 1970, Cap. C230, states that family court hearings must be in private (unless otherwise ordered by a judge) and records must be kept confidential.

Children ordered to training centres by the family court judge become temporary wards of the Director of Child Welfare.

Operating under The Corrections Act all juvenile cases come to the Probation Services for assessment. An intake screening process may divert a juvenile from the justice system without formally appearing in court (approximately 1/3 of all cases). If he does not meet the criteria and must appear in court, the juvenile is accompanied by a probation officer. About 12 per cent of those appearing in court are placed on probation and supervised in their own homes, or else placed in foster homes or private treatment centres. About one percent of the juvenile offenders are committed to provincial rehabilitation centres. Following discharge they may be supervised by a probation officer. Peer group therapy is also operative.

- (3) Measures to protect children against economic, social and all other forms of exploitation, neglect or cruelty and from being the subject of traffic;

Under The Child Welfare Act, child abandonment, desertion, ill treatment and all other cases where children may be in need of protection must be reported notwithstanding any professional confidentiality or privilege. Children under 12 years of age must not be left unattended. A child welfare agency may enter a home without warrant and may take a child to a place of safety. A justice of the peace is required to aid the agency in cases of apparent emergency. A child caring agency, family court or peace officer may notify a parent or person in charge of a child that the circumstances surrounding the child will be examined before a judge within 30 days. The agency is responsible for the care and treatment of the child taken into temporary custody. Children in care of an agency may not be interfered with, by parents or other relatives, for example.

Regulations made under The Child Welfare Act require that an agency, notified of a case of suspected child abuse, shall investigate without delay and if, in the opinion of the welfare

officer, abuse may have occurred, the officer must arrange for a medical examination, advise the police and as necessary, act to secure the protection of the child. Investigation must continue with an exchange of information which must be kept confidential.

The Regulations also authorize inspection by an agency of all licensed child care facilities. Such licences are to be rescinded if such facilities are found to have inadequate space, sanitation, protection or capacity to care for the children.

(4) Provisions governing work by children and young persons, including minimum age for paid or unpaid employment, regulation of hours of work and rest, prohibition or restriction of night work and penalties imposed for violations of such provisions;

and

(5) Measures taken to prevent employment of children and young persons in any work which would be dangerous to life, harmful to their morals or health or likely to hamper their normal physical and psychosocial development and penalties imposed for violations of such measures;

The School Attendance Act, RSM 1970, Cap. S20, provides that children must attend school until the end of the school year following their 16th birthday except by special permission of the Minister of Education. However, children over 12 may miss up to four weeks if needed for home duties with the approval of the school principal or the justice of the peace.

The Employment Standards Act, RSM 1970, Cap. E110, prohibits the employment of children under the age of 16 except when a written permit is obtained from the Minister of Labour. The Act specifies that no child shall be employed in such a manner that its safety, health or moral well-being, may be hurtfully affected (Section 8). Where a child or adolescent is employed in contravention of the Act, the employer and the parents are liable to a fine on summary conviction (sections 14(1) and 15).

The Employment Standards Act Regulations provide that no child or adolescent employee can be required or permitted to lift articles of such weight as may impose excessive strain on that employee.

(6) Statistical and other available data showing the number of children and young persons in the various age groups who are in fact working, and the sectors or type of work in which they are employed.

An appendix to this report contains data on the participation rate to the labour force of young Canadians including Manitobans.

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. General and specific measures taken to achieve an adequate standard of living and a continuous improvement of living conditions of people.

Manitoba has a cost sharing agreement with the federal government under the Canada Assistance Plan and this agreement forms the basis of its social assistance program. The essence is to provide a basic standard of living to any person or family that is in need. The need is established as a budget deficit and irrespective of how long the person in need has been living in Manitoba. Established regulations provide the basis of an acceptable budget and persons are to be given a right of appeal and informed of this right.

The Social Allowances Act, RSM 1970, Cap. S160, provides that "the Government of Manitoba and each of several municipalities in the province may take such measures as are necessary for the purpose of ensuring that no resident of Manitoba, lacks a) such things, goods, and services as are essential to his health and well-being, including food, clothing, shelter and essential surgical, medical, optical, dental and other remedial treatment, care, and attention; ..." (Section 3). Payments to persons in need shall be based on that person's requirements for basic necessities and those of his dependants. The province shall provide a periodic social allowance to: persons who do, or would be likely to lack basic necessities by reason of age, physical or mental ill health, physical or mental disability; a woman with dependent children who is divorced or separated or whose husband is deceased, has deserted or is in prison; or where the mother is unmarried; to children in custody of a provincial agency; to persons unable to provide special care for their dependents; to a child both of whose parents are dead or unable to contribute to his maintenance; and to persons undertaking undergraduate academic or technical training.

Emergency and short term assistance to families with crisis situations is provided by municipalities under a cost-sharing agreement with the province.

Under the Regulations made under The Social Allowances Act, eligibility and amount of assistance to be provided are based on an individual assessment of the budgetary deficit. Emergency aid may be given before the assessment is completed.

Limitations are also individually assessed. Unemployed employables must accept employment or training; persons over 16 years must either attend school or accept employment leading to self-support. As a matter of policy: unwed mothers under 18 are treated as part of their parents' family; sponsored immigrants must be supported by their sponsors, if they are alive and have the resources; self-employed persons may be directed to take employment. Assets are also assessed; there are limits to the

amount of liquid and other assets which may be held; some types of convertible assets require liquidation although they may be exempted for a period of four months.

The budget deficit is calculated by subtracting available income from the cost of basic requirements. Basic requirements are based partially on actual expenditures (e.g., light, heat, phone, homecare, home upkeep, special care, work supports), and partially on provincial standards (e.g., food, clothing, personal needs, household supplies). Income includes total family income less certain exemptions, e.g., family allowances, tax credits and some earned income which is exempted as an encouragement towards self-sufficiency. There are formulae for determining income for farmers and other self employed, whose financial situation may be difficult to define.

Municipal and provincial welfare departments must notify applicants in writing of any decisions which deny, cancel, suspend, withhold, or reduce benefits, setting forth the grounds and informing applicants of the provisions open to them for appeal. There is an appeal board which hears appeals across the province.

Under The Social Allowances Act, there is provision to review the cost of the basic necessities of food, clothing, personal and household supplies. Adjustments are generally made to the rates each year.

The provincial program also provides coverage for pharmaceutical, dental and optical needs not otherwise insured.

Other available services include rehabilitation, adoption, homemaker assistance, day-care, consultative research and evaluation, and social programs.

Recovery of assistance payments is required if overpayment is the result of false information on records.

The Social Services Administration Act, SM 1974, c. 34, provides for additional assistance to Manitoba residents who receive the monthly guaranteed income supplement under the federal Old Age Security Act.

Regulations under The Social Services Administration Act also provide for cash supplements to low-income families with dependent children to assist in the cost of raising children.

With regard to taxation, the current policy of the province, as embodied in taxation statutes and regulations, is to ensure that the distribution of tax burdens reflects, to the greatest practicable extent, the different abilities of taxpayers at various income levels to afford the taxes levied. This aim is being accomplished by a combination of means, including income related tax credits. Some specific measures are:

- The costs of such services as medical care, basic hospitalization, some preventive dental care, and part of the costs of pharmaceuticals, are borne by the provincial government without recourse to regressive premiums, user fees, or other flat charges.
- Special income tax surtaxes have been applied to high income individuals and large corporations in some years.
- A Cost of Living Tax Credit provides relief to lower income individuals, and to low-to-middle income families.
- A Child Related Income Support Program provides additional payments to low income families and single parents with children.
- Through a system of income-related Property Tax Credits, the province provides property tax assistance to homeowners and tenants with most of the funds directed toward lower and middle income taxpayers who spend a relatively large proportion of their incomes on shelter. Additional benefits are available to senior citizen homeowners and renters.
- The provincial retail sales tax has been kept at the low level of five percent. Further, the regressivity of this tax is offset by large areas of exemption, such as food, children's clothing, school supplies, etc., and by Cost of Living Tax Credits.

B. Right to adequate food

- (1) Principal laws, administrative regulations and collective agreements designed to promote the right of everyone to adequate food, and relevant court decisions, if any;

The principal laws dealing with the production and distribution of food and administered by the Department of Agriculture under The Department of Agriculture Act include the following:

The Agricultural Credit Corporation Act, RSM 1970, Cap. A10
The Agricultural Productivity Council Act, RSM 1970, Cap. A20
The Agricultural Societies Act, RSM 1970, Cap. A30
The Animal Diseases Act, SM 1974, c. 52
The Animal Husbandry Act, RSM 1970, Cap. A90
The Bee-Keepers Act, RSM 1970, Cap. B20
The Coarse Grain Marketing Control Act, RSM 1970, Cap. C140
The Crop Insurance Act, RSM 1970, Cap. C310
The Crop Payments Act, RSM 1970, Cap. C320
The Dairy Act, RSM 1970, Cap. D10
The Fruit and Vegetable Sales Act, RSM 1970, Cap. F180
The Horned Cattle Purchases Act, RSM 1970, Cap. H80

The Land Rehabilitation Act, RSM 1970, Cap. L50
The Livestock and Livestock Products Act, RSM 1970, Cap. L170
The Margarine Act, RSM 1970, Cap. M30
The Milk Control Act, SM 1976, c. 61
The Natural Products Marketing Act, RSM 1970, Cap. N20
The Noxious Weeds Act, RSM 1970, Cap. N110
The Pesticides and Fertilizers Control Act, SM 1976, c. 19
The Plant Pests and Diseases Act, RSM 1970, Cap. P90
The Seed and Fodder Relief Act, RSM 1970, Cap. S80
The Community Seed Cleaning Plant Loans Act, RSM 1970, Cap. S70
The Veterinary Science Scholarship Fund Act, RSM 1970, Cap. V40
The Veterinary Services Act, RSM 1970, Cap. V50.

- (2) Measures taken to develop or reform existing agrarian systems, in order to achieve the most efficient development and utilization of natural resources;

Through The Agricultural Productivity Council Act, the Agricultural Productivity Council is charged with responsibility to examine and develop

- (i) measures required to promote major agricultural development projects;
- (ii) cooperation of all sectors of the agricultural industry of Manitoba in attaining higher levels of productivity; and
- (iii) plans and methods by which opportunities for the productive employment of capital can be brought to investors' attention.

A farm diversification program enables farmers with small or medium sized farms to convert or expand their operations.

The Crop Insurance Act through a government agency provides to persons qualified under the Act insurance of certain crops grown in certain areas against designated perils but not where the loss has been caused in whole or in part by negligence, misconduct or poor farming practice of the insured person.

The Agricultural Lands Protection Act, SM 1974, c. 44, restricts the acquisition of land in Manitoba only to persons who are residents in Canada, with certain exceptions. Foreign citizens or foreign-controlled companies are limited to the purchase of 20 acres (or less) without the approval of the Manitoba Agricultural Lands Protection Board, established under this Act.

- (3) Measures taken to improve methods of production and the quantity and quality of food produced, and to increase yield per unit of cultivated land and to improve methods of animal husbandry, including animal health, by making full use of

technical and scientific knowledge, in particular a) promotion of agricultural research, introduction and use of appropriate material, equipment and techniques, b) measures to disseminate knowledge on the use of such material, equipment and techniques;

The Animal Husbandry Act deals with the control of stray or wandering animals, protection of animals, registration of ownership of animals and the improvement of livestock breeding, animal disease, and the artificial insemination of cattle.

The Veterinary Services Act established a relatively innovative approach to providing veterinary services in rural areas so as to increase the availability and extent of such services to farmers in all parts of the province. Under the Act, local governments had the option of establishing a veterinary services district subject to the approval of the Veterinary Services Commission but administered by a veterinary services board for each district. Each board was empowered to enter into agreements with one or more veterinarians to serve the district at a certain guaranteed fee. The objects of a board included: rendering financial or other assistance to encourage veterinarians to practice in the district; to enable veterinarians to confer for the interchange of information on veterinary medicine and surgery; and preventing the spread of diseases among livestock through the imparting of information and instruction and other means found to be necessary or advisable.

- (4) Measures taken to improve and disseminate knowledge regarding methods of food conservation, in particular to reduce crop and post-harvest losses and waste (e.g. through pest control and adequate food storage facilities), and to prevent degradation of resources (e.g. through soil conservation and water management);

The Plant Pests and Diseases Act places full responsibility on all persons owning, operating, leasing or managing plants or seeds on becoming aware of any disease or pest affecting the plants or seeds.

The Noxious Weeds Act imposes a general duty on each occupant or owner of land to destroy all noxious weeds and noxious weed seeds growing or located on the land as often as necessary to prevent growth, ripening and scattering of weeds or weed seeds.

The Ground Water and Water Well Act, RSM 1970, Cap. G110, prohibits the drilling of a well without taking reasonable precaution to avoid polluting, or contaminating, or diminishing the purity of ground water in the area.

The Conservation Districts Act, SM 1976, c. 38, combined authority previously given in several acts and created the

Conservation Districts Commission as well as boards having the power to study the resources of a district, issue permits for the cutting of forest from protected areas, issue permits to alter surface water courses, sell water from reservoirs, recommend the acquisition by the Crown of any real or personal property necessary to a program developing the district's resources.

- (5) Measures taken to improve food distribution such as improvement of communications between areas of production and food marketing centres, facilitating access to markets, introducing price support and stabilization measures, controlling abusive practices, and assuring minimum supplies to needy groups;

The Fruit and Vegetable Sales Act provides for penalties for the sale of produce which does not comply with the standards of the Act, or for misrepresentation of the grade, variety or class of produce.

Under The Seed and Fodder Relief Act, the Lieutenant Governor in Council may authorize the Minister of Agriculture to purchase seed and fodder of a kind approved by the minister for the use of farmers, and to pay the transportation and other charges thereon. Farmers can apply to the minister to buy the necessary seed or fodder but may be refused due to the condition of the land, the lateness of the season, the farmer's credit rating or similar other reason. The farmer is not allowed to use seed obtained under this Act except to seed or sow the land specified.

The Dairy Act empowers a director and inspectors to test and analyse dairy products to ensure that they meet provincial standards.

The Cooperatives Act, SM 1976, c. 47, provides for the establishment and continuation of cooperative corporations to carry on business. Many cooperatives operate to produce and market food and food products, at considerable savings to their members.

The Milk Control Act established The Milk Control Board of Manitoba with powers to license any person qualified to supply, distribute, process or sell fluid milk, to establish schedules of maximum prices and minimum prices at which milk may be sold, to establish the size of containers and prescribe the material of which the containers may be made, and to supervise the milk industry.

The Natural Products Marketing Act deals with agricultural produce, fish and forest products and gives to the Manitoba Marketing Board the power to regulate the producer boards and marketing commissions related to these products.

The Fisheries Act, RSM 1970, Cap. F90, provides for the control and regulation of the marketing of fish, locally within the province of Manitoba. The Act provides, among other things, for the inspection of fish and fishing operations, for loans to fishermen and fishermen's cooperatives. It prohibits the sale, for human consumption, of unwholesome fish.

- (6) Measures taken to improve food consumption levels and nutrition, with particular reference to the most vulnerable groups of the population;

All food items, including restaurant meals under six dollars, are exempted from the provincial retail sales tax.

As explained above, under heading 11A, The Social Allowances Act provides help to needy persons lacking the basic necessities of life, including food.

Regulations under The Social Allowances Act set a basic per person food allowance graded according to need. The highest allowance is for adolescents aged 12-17 years, followed by adults over 18 years, with less for children under 12 years. Supplements are paid to those who cannot meet the cost of their basic food needs.

There are additional supplements for persons living in northern or other remote areas, for persons whose physician prescribes a special diet, for pregnant women, and for persons unable to prepare their own meals who have their meals brought to their homes.

- (7) Measures taken (including the adoption of food standards) to reduce food adulteration and contamination and to improve the quality and safety of food, at market and storage levels, as well as food hygiene at all levels;

The Dairy Act prohibits the supply of adulterated milk.

The Pesticides and Fertilizers Control Act requires that any persons selling or supplying such products must be licenced. Inspectors have the power to analyse plants, plant products, livestock or other material to determine whether they are contaminated or contain a harmful degree of residue, and where contamination is found, the Minister of Agriculture may order destruction.

- (8) Measures taken for dissemination of knowledge of the principles of nutrition;

The Public Health Act, RSM 1970, Cap. P210, establishes programs to promote public awareness on nutrition. Public Health nurses, employed by the province, use and disseminate a nutrition

resource manual as a reference book. They provide a full range of services including health promotion, health supervision, general counselling and services for those with special needs (low income families, elderly persons, pregnant women, families in remote areas, and minority groups). Home economists and nutritionists provide information on infant feeding, family nutrition, weight control, nutrition for the elderly, and prevention of heart disease. Home economists are available in most regions of the province to promote specialized assistance to individuals and groups interested in nutrition, with emphasis on pre-natal and maternal nutrition. Nutrition is also taught in schools.

- (9) Information on participation in international co-operation, efforts and projects aimed at ensuring the right of everyone to be free from hunger, in particular through an equitable distribution of world food supplies in relation to need, account being taken of the related problems of both food-importing and food-exporting countries;

The Province provides grants, up to a yearly ceiling, to match dollar-for-dollar voluntary donations raised in Manitoba for approved projects to promote international development and development education, as selected by the Manitoba Council for International Cooperation.

- (10) Statistical and other available data on the realization of the right to adequate food.

C. Right to adequate clothing

- (1) Principal laws, administrative regulations and collective agreements designed to promote the right to adequate clothing;
- (2) Information on measures taken, including specific programmes, aimed at improving methods of production and distribution of articles of clothing;
- (3) Information on scientific and technical methods used to achieve adequate supply of articles of clothing;
- (4) Information on the extent of participation in international co-operation contributing to the promotion of the right to adequate clothing.

Regulations under The Social Allowances Act (see heading 11A) provide for monthly clothing allowances, with highest allowances for persons aged 12 to 17 years, less for those over 18 years and least for those under 12 years. Employed persons in receipt of social assistance are given additional allowances, generally equal to the clothing allowance for adults.

Children's clothing is exempted from the provincial retail sales tax.

D. Right to housing

- (1) Principal laws, administrative regulations and collective agreements designed to promote the right to housing, and relevant court decisions, if any;

Manitoba became directly involved in housing with the enactment of The Housing and Renewal Corporation Act, RSM 1970, Cap. H160, in 1967. The Manitoba Housing and Renewal Corporation was created to administer housing programs. The province participated in federal-provincial programs until 1974 when provincial housing programs were introduced.

- (2) Information on measures taken, including specific programmes, subsidies and tax incentives, aimed at expanding housing construction to meet the needs of all categories of the population, particularly low-income families;

Participation in Federal-Provincial Programs

Manitoba began using section 43 of the National Housing Act for public rental housing in 1969 and by 1973 had close to 5,000 units under management. The province contributed 10 per cent of the capital cost and assumed 50 per cent of operating losses for the units. The province was able to achieve this scale of activity by assuming the municipal costs of the federal-provincial program. In 1974, the province encountered municipal resistance to family public housing which prevented site rezoning. In 1975 and 1976, the Manitoba Housing and Renewal Corporation circumvented these problems by accepting bids from developers who owned appropriately zoned land. Using this approach some 1,210 and 1,975 units were started in 1975 and 1976 respectively. Up to 1978 public rental housing continued to be high priority in provincial spending, but the rate of production declined to 888 units in 1977 and 500 units in 1978. Currently, there are some 150 units under construction from earlier commitments, but the program has been curtailed. In total, the province has over 12,000 units under management, which is equivalent to 10 per cent of the rental housing in the province. Manitoba has the highest per capita level of public rental housing in Canada.

In addition to its participation in public rental housing under section 43 of the National Housing Act, the province has also had an active program of housing development under its Remote Housing Program in the northern part of the province. Using Section 40 of the Act, the province contributed 25 per cent of capital and operating costs. Up to 1978 some 1,400 units had been developed and are leased on a payment-to-income, lease purchasing arrangement, to low-income families.

Provincial Programs

In 1974, the province introduced three programs to supplement assistance in federal programs, namely:

1. The Capital Grant Assistance which consists of a contribution of five per cent of capital costs to non-profit corporations that have raised an equivalent amount for housing projects.
2. The Provincial Assistance for Home-Ownership which is available to families who qualified for the federal Assisted Home Ownership Plan loans and subsidies: a one-time grant of \$300 in southern Manitoba and \$500 in the north was offered.
3. The Land Lease Program for continuing cooperatives, under which the Manitoba Housing and Renewal Corporation leases land at an interest rate of five per cent per year of the cost of land and improvements. As a condition of this assistance, the cooperatives make a quarter of the units available as subsidized units. Most cooperatives have availed themselves of this arrangement.

In 1975 two major initiatives were taken by the province to improve housing quality and to assist rural housing development. These were:

1. The Critical Home Repair Program, which provides grants of up to \$1,000 for senior citizens. For low-income families a loan forgiven at the rate of \$2,000 per year is available as long as the family lives in the house. This repair assistance is available to home-owners whose incomes are less than \$11,000. In 1977-78 some 5,292 units were repaired through this program at a provincial cost of over \$5 million. Recipients of the provincial funds may obtain additional assistance under the federal Rural Rehabilitation Program. The Critical Home Repair Program has been a high priority for the province.
2. The Rural Mortgage Lending Program, which provides mortgages to those living on farms or in unserved rural communities. These are areas not usually serviced by other lenders and the Manitoba Housing and Renewal Corporation acts as a lender of last resort. Loans are available both for buying a home and for improving an existing home. This is a small program; for example, only some 40 loans were made in 1977-78. However, it is a valuable option in a province with a high percentage of its population in rural areas.

In 1977, the province introduced its own Home Insulation Program. Homeowners are eligible for loans of \$1,000 to cover

the costs of materials and labour in addition to assistance from the federal program. Many people have made use of these funds and in 1977-78 the province expended over \$3 million towards this joint program.

In 1979, Manitoba introduced its program of Shelter Aid for Elderly Renters (SAFER). Prior to this, the Rent Supplement Program provided rent supplements to low-income elderly tenants in non-profit housing projects to bring the cost of their rent to 25 per cent of their incomes. This assistance was significantly broadened with the SAFER program to include all rental units occupied by senior citizens. SAFER assistance is available to all renters over 65 who spend more than 27.5 per cent of their income on rent. Payments are determined by a sliding scale depending on income and rent. The Province estimated that between 9,000 and 11,000 elderly renters would be served by this program and that some \$4.5 million would be spent for the first year of operation, 1980. SAFER is delivered by the Manitoba Housing Renewal Corporation.

- (3) Information on the use of scientific and technical knowledge and of international cooperation for developing and improving housing construction, including safety measures against earthquakes, floods and other natural hazards;

The Province of Manitoba has adopted The Emergency Measures Act, RSM 1970, Cap. E80, to deal, among other things, with civil disasters such as those occurring from fire, flood, earthquakes, tempest, or other cause. Section 3 of the Act empowers the Lieutenant Governor in Council to issue a proclamation of a state of civil disaster in the province. Under Section 9, the Lieutenant Governor in Council, upon the proclamation of a state of civil disaster, may do or authorize such acts and things as may be necessary to give effect to a civil disaster plan or as may be necessary for the protection of persons or property from injury or loss arising from the disaster.

- (4) Information on measures taken or envisaged to solve the special problems of housing, water supply and sanitary conditions in rural areas;

Rural and Native Housing

In 1976, 26 per cent of Manitoba's population lived in rural communities of less than 1,000 people. Furthermore, the province has a significant native Indian population living both on and off reserves in the northern areas.

Efforts are being made to improve housing conditions in rural areas and for Native people in the north. The province participates in the federal-provincial Rural and Native Housing Program. Under the program, assistance is available both for new

housing construction and for rehabilitation. Since 1976 about 1,000 units of new housing and 1,000 of rehabilitation have been undertaken. The province contributes 25 per cent of the capital and operating costs of the new units, under Section 40 of the National Housing Act. Delivery of this program is shared by the federal and provincial governments. The Manitoba Housing Renewal Corporation delivers the program in most of the southern communities while the Canada Mortgage and Housing Corporation is responsible for mostly northern communities. However, the province reviews all applications for assistance under this program. Since the units are purchased by applicants on a payment scaled to income formula, the subsidy costs are quite considerable.

Servicing

A substantial amount of work has been undertaken since the mid-seventies to upgrade municipal services, especially water, sewers, and roads. The province has utilized and participated in programs developed under the National Housing Act namely, the Sewage Treatment Program, the Neighbourhood Improvement Program and the Community Services Grant Program. Since Winnipeg is the major population centre in the province, much of the activity has been concentrated there, but smaller communities have also benefited under these programs.

Sewage Treatment Program

From 1976 to 1978 when this program was terminated by the federal government, some \$20 million of improvements have been made in about 75 municipal projects across the province. About a third of the projects were in metropolitan Winnipeg, the rest in other smaller urban centres. In Winnipeg, efforts were concentrated on opening up new areas for development to offset unorganized, unserved development and on upgrading existing sewage treatment and water reservoir facilities. In 1978, grants were made for regional water and sewage treatment plans in five planning districts.

- (5) Measures taken for the protection of tenants such as rent control and legal guarantees;

In 1976, Manitoba passed The Rent Stabilization Act, SM 1976, c. 3, to regulate rent increases under the authority of a Rent Stabilization Board. The legislation was set up as a permanent control measure with an allowable rent increase geared to the landlord's operating costs and what is fair to tenants as well. Under The Landlord and Tenant Act, RSM 1970, Cap. L70, landlord and tenant matters are dealt with by a rentalsman's office separate from the rent review legislation.

- (6) Statistical and other available data on the realization of the right to housing.

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

- A. Principal laws, administrative regulations, collective agreements and other types of arrangements designed to promote and safeguard the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and relevant court decisions, if any.

The Department of Health Act, RSM 1970, Cap. H20, The Health Services Act, RSM 1970, Cap. H30, The District Health and Social Services Act, SM 1975, c. 33, and The Mental Health Act, RSM 1970, Cap. M110, are the four statutes which provide the Minister of Health with the authority to establish agencies, organizations, services, health units, hospitals, nursing and medical units, boards of health, as necessary to deliver medical services. There are numerous other statutes and regulations which govern the provision of services to promote physical and mental health.

Under The Public Health Act, RSM 1970, Cap. P210, the Minister of Health is responsible for the health of the people of Manitoba and in this connection he may conduct inquiries, advise the government, inspect institutions and enter into agreements with local authorities; a provincial Board of Health is established; public health inspectors and nurses may be appointed to assess the health of people within their area and to deal with such matters as disease control, housing suitability, sanitation and food inspection; these inspectors and nurses have the power to make orders to rectify a situation which does not meet provincial standards.

The Health Services Insurance Act, SM 1970, c. 81, includes the following provisions:

- the establishment of a Manitoba Health Services Insurance Plan to provide insurance covering the costs of hospital, medical and other health services;
- the establishment of the Manitoba Health Services Commission to provide hospital, medical and health services to the residents of Manitoba and to develop a system of hospitals and related facilities and services;
- each resident of Manitoba is ensured and entitled to benefits under the plan without having to pay specific health care insurance premiums;
- the Commission shall assure that adequate standards are maintained in hospitals and related facilities, and shall provide consulting services to hospitals.

Under The Hospitals Act, RSM 1970, Cap. H120:

- no person shall operate a hospital in Manitoba without a licence issued by the Manitoba Hospital Commission;
- a hospital shall be operated in accordance with the standards set out in the Act and its regulations;
- provincial funds may be paid to hospitals for construction, education and training.

Under The Mental Health Act:

- the Provincial Director of Psychiatric Services or the medical officer in charge of a hospital for the mentally disordered may admit and detain a person for examination and treatment;
- the government may establish mental health clinics;
- any person, or a person acting on his/her behalf, may apply for treatment in a hospital for the mentally disordered and he/she must be examined within 48 hours;
- a medical practitioner may certify that a person be admitted to such a hospital and a warrant may be issued for the arrest of such a person for confinement and treatment for a period not to exceed 21 days;
- it is an offence to ill-treat or willfully neglect a mentally disordered person;
- the government may establish institutions, schools, workshops, clinics and recreation centres for the retarded;
- a court may declare a person to be mentally disordered and may order the custody of such a person and the management of his/her estate by an authorized committee or an administrator.

Under The Registered Nurses Act, RSM 1970, Cap. R40:

- the Manitoba Association of Registered Nurses is responsible for registration of members and all matters relating to the welfare and promotion of the nursing profession;
- members of the Association must have received a diploma from a school of nursing approved by the Accrediting Committee or the Board of the Association.

Under The Registered Psychiatric Nurses Association Act, RSM 1970, Cap. P170:

- the Psychiatric Nurses Association is responsible for the promotion and maintenance of an enlightened standard of psychiatric nursing, the promotion of mental health and the encouragement of training of psychiatric nurses;
- no person shall practice as a psychiatric nurse without a licence issued by the Association.

Under The Licensed Practical Nurses Act, RSM 1970, Cap. P100:

- a practical nurse performs duties which do not require the services of a registered nurse. The duties must be approved by a medical practitioner;
- schools may be established for the training of practical nurses;
- no person shall practice as a practical nurse without a licence.

Under The Alcoholism Foundation Act, RSM 1970, Cap. A60:

- the Alcoholism Foundation of Manitoba is established to assist, treat and rehabilitate alcoholics, disseminate information and conduct or sponsor research.

Under The Pharmaceutical Act, RSM 1970, Cap. P60:

- specified poisons, drugs, and medicines shall be dispensed and sold only by licensed pharmacists to reduce the risk of misuse.

Under The Prescription Drugs Cost Assistance Act, SM 1973, c. 27:

- the government may pay the cost of specified drugs to an eligible person or his dependants.

Other acts which promote health and well-being include:

The Anatomy Act, RSM 1970, Cap. A80
The Dental Health Services Act, SM 1975, c. 34
The Dental Health Workers Act, SM 1975, c. 35
The Dental Mechanics Act, SM 1970, c. 103
The Human Tissue Act, RSM 1970, Cap. H180
The Intoxicated Persons Detention Act, RSM 1970, Cap. I90
The Occupational Therapists Act, SM 1971, c. 110
The Optometry Act, RSM 1970, Cap. O70
The Physiotherapists Act, RSM 1970, Cap. P65
The Private Hospitals Act, RSM 1970, Cap. P130
The Psychiatric Nurses Training Act, RSM 1970, Cap. P180
The Tuberculosis Control Act, RSM 1970, Cap. T170

B. Information on:

- (1) Measures taken to reduce the stillbirth-rate and infant mortality;

Public health nurses conduct pre-natal clinics, visit all households with new born babies (with special emphasis on rural and poverty areas, and areas housing Métis, Indians, and minority cultural groups) and help parents gain an understanding of child development (see heading 10 B-2 under article 10).

Hospitals have developed extensive examination procedures for new born babies, including screening for neonatal thyroid and for amnioacidurias.

- (2) Measures taken for the healthy development of children;

Public health nurses make periodic visits to families requiring additional support for child raising. In addition there are free clinics for monitoring growth and development, and visits to family physicians are paid through the insurance plan. Trained dental nurses provide dental services to selected age groups of children and make regular visits to children living in remote areas. Their services include examination, fluoride application, diet counselling and some treatment.

- (3) Measures taken to protect and improve all aspects of environmental and industrial hygiene, to prevent air, land and water pollution, to overcome the adverse effects of urban development and industrialization, etc.;

(a) The Clean Environment Act

The Clean Environment Act, SM 1972, c. 76, and regulations adopted under the Act, is the principal legislation in Manitoba dealing with the protection of the environment.

The minister charged with the administration of the Act has general supervision and control, under the Act, over all matters pertaining to the preservation and improvement of the environment and to the prevention and control of contamination of the environment. The Minister may establish advisory committees for the purpose of advising and assisting him. The Manitoba Environmental Council, for example, was formed for that purpose.

The Act established The Clean Environment Commission to carry out various duties and functions conferred on it by its provisions.

The Act is administered by the Environmental Management Division of the Department of Northern Affairs: Environmental Management and Workplace Safety and Health.

Sections 3, 4 and 5 of the Act prohibit the contamination of air, soil and water in excess of limits prescribed by order of The

Clean Environment Commission or prescribed by regulations made under the Act.

Regulations adopted under the Act deal with such matters as: litter (Regulation 259/74); pesticides (Regulation 156/74); incinerators (Regulation 334/74); liquid effluent discharges from pulp and paper mills (Regulation 120/75); discharges to the air from secondary lead smelters (Regulation 140/77); the storage and handling of gasoline and associated products (Regulation 156/80); the designation of certain substances as hazardous materials (Regulation 15/81); Disposal of Whey (Regulation 18/76); Livestock Production Operation (Regulation 34/73); Waste Disposal Grounds (Regulation 208/76); Private Sewage Disposal Systems and Privies (Regulation 85/81); Campgrounds (Regulation 112/80); and Amy Street Heating Plan (Regulation 165/80).

Section 5.2(1) of the Act allows the minister charged with its administration to issue written orders respecting the removal, storage, handling or transportation of hazardous materials. Under Regulation 15/81, ammonium nitrate, hydrochloric acid, nitric acid, polychlorinated biphenyl and sulfuric acid, or a mixture or solution containing these substances, are designated as hazardous materials and may be the subject of such orders by the Minister. Upon failure by the owner to comply with such orders the Minister may seize and dispose of the material at the owner's expenses.

Sections 7 and 8 of the Act set out the penalties for violations of its provisions or regulations or failure to comply with an order of the Commission. For each day of violation an individual is liable on summary conviction to a fine not exceeding five hundred dollars, and a corporation to a fine not exceeding five thousand dollars.

(b) Other environmental measures

The Conservation Districts Act, SM 1976, c. 38, was adopted for the following main purposes: to provide for the conservation, control and prudent use of resources through the establishment of conservation districts.

The Fisherman's Assistance and Polluters' Liability Act, SM 1970, c. 32, provides for payments, by way of loan or otherwise, to be made to persons engaged in the commercial fishing industry who suffer financial loss by reason of the prohibition of the taking of fish from waters in the province because of the contamination of fish resulting from pollution of those waters. Persons affected and the government are authorized to sue the person responsible for the pollution. The government may recover from the person responsible for the pollution the loss suffered or the payments made as compensation.

Some regulations adopted under The Public Health Act deal with the protection of water sources, smoke and waste disposal.

- (4) Comprehensive schemes and specific measures, including vaccination programmes to prevent, treat and control epidemic, endemic, occupational and other diseases and accidents in urban and rural areas;

Public health nurses monitor the status of immunization of children. Immunization, provided free of charge at health clinics and by practising physicians, includes whooping cough, tetanus, polio, measles and rubella. Where special risks appear, there is free immunization for rubella, small pox, rabies, cholera and typhoid. Syrum globulin is distributed free of charge for hepatitis contacts. Drug programs are provided for persons who have been subjected to rheumatic fever. As need arises, there may be programs to immunize high risk persons against flu, aerial spray mosquito reduction programs, and other measures for the control of diseases.

- (5) Comprehensive plans and specific measures to assure to all age groups and all other categories of the population, including in particular in rural areas, adequate health services including adequate medical attention in the event of sickness or accident;

Information on the Manitoba health services system is provided above under heading A and below under heading (6). Canada's Report on Articles 6 to 9 of the Covenant also provided information on Manitoba's health care programs (pages 205 to 208).

- (6) Main features of existing arrangements for the provision of medical care and methods of financing them;

All Manitoba residents are provided with insured medical treatment, hospitalization and a number of additional benefits for health care. No premiums are charged, the financing coming from general revenues. Residents register for the insurance programs. There is a waiting period of up to three months for someone who has moved to Manitoba from another province. Arrangements can be made with the health insurance plan of the previous province of residence for benefits until the Manitoba coverage is effective. Landed immigrants are covered immediately for medical and hospital services. There is a 24-month waiting period for admission into a personal care home for new residents except those who may have previously resided in Manitoba for a total of 30 years or more.

For medical care, persons may choose their own physician. They are insured for visits to doctors' offices, house calls, and services in health facilities. Also covered are fees for chiropractic and optometric services; and dental services provided in hospitals.

Hospital care covers standard ward, meals, nursing services, laboratory, radiological and other diagnostic services, drugs and surgical supplies administered in the hospital. Out-patient services are covered. Care for psychiatric services provided by general hospitals as in-patients or out-patients is covered. Care in specialized mental hospitals is provided by the Department of Health and not through the insurance program.

Home care is provided without charge to persons who are assessed as requiring services at home. Based on the care needs any one or combination of the following home care services may be provided; nursing, home making, therapy, medical supplies and equipment, including volunteer services such as friendly visiting meals, delivery shipping, transportation and handy man services around the home.

Personal Care Home placement is provided to persons whose care needs cannot adequately be met at home. The application for admission to a personal care home is assessed by a panel which determines the level of care the applicant requires. Persons admitted to personal care homes pay a residential charge while the province provides the balance of the cost.

Pharmacare is covered for prescription drugs up to 80% of the cost, excluding the first \$50 spent annually by person 65 years or over and up to 80% of the cost excluding the first \$75 spent annually by persons under 65 years of age.

C. Statistical and other available data on the realization of the right to health, in particular, statistics on infant mortality, number of doctors per inhabitant, number of hospitals and hospital beds, etc;

The number of hospital beds per 1,000 population as of March 31, 1981 was:

active treatment	5.3
extended treatment	1.0
personal care	6.9

The population served per medical practitioner for Manitoba was 547 as of March 1981.

5. NEW BRUNSWICK¹

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the Family

(1) Principal Laws:

The Child and Family Services and Family Relations Act, S.N.B. 1980, c. C-2.1, came into force in September 1981. This Act consolidates the bulk of the existing legislation regarding the family.

The Department of Social Services has many programs that assist families. During the past year the emphasis has been on services that will help the family stay together. These services include homemaker, counselling, and financial services to support the family in continuing to function, thereby improving family life and the care given the children.

The Province of New Brunswick recognizes that the family is the basic social unit of society. The Government, through the various programs available, helps families meet their responsibilities.

The preamble of the Child and Family Services and Family Relations Act outlines the purpose and philosophy behind the Act as follows:

"WHEREAS the family exists as the basic unit of society, and its well-being is inseparable from the common well-being; and

WHEREAS the rights of the child are enjoyed either of himself or of family; and

WHEREAS children have basic rights and fundamental freedoms no less than those of adults; a right to special safeguards and assistance in the preservation of those rights and freedoms and in the application of the principles stated in the Canadian Bill of Rights and elsewhere; and a right to be heard in the course of, and to participate in the processes that lead to decisions that affect them and that they are capable of understanding; and

WHEREAS children are entitled, in every instance where they have rights or freedoms which may be affected by

1. Report prepared by the Government of New Brunswick.

this Act, to be informed as to what those rights and freedoms are, where they are capable of understanding; and

WHEREAS it is recognized that the basic rights and fundamental freedoms of children and their families include a right to the least invasion of privacy and interference with freedom that is compatible with their own interests and those of their families and of society; and

WHEREAS it is accepted that parents have responsibility for the care and supervision of their children and that children should only be removed from parental supervision either partly or entirely when all other measures are inappropriate; and

WHEREAS it is acknowledged that when it is necessary to remove children from the care and supervision of their parents they should be provided for, as nearly as possible, as if they were under the care and protection of wise and conscientious parents; and

WHEREAS it is recognized that elderly, disabled and dependent persons are entitled to protection and can benefit from social services which ensure the opportunity for personal development; and

WHEREAS it is recognized that social services are essential to prevent or alleviate the social and related economic problems of individuals and families; and

WHEREAS it is recognized that the rights of children, families and individuals must be guaranteed by the rule of law and that the Province's intervention into the affairs of individuals and families so as to protect and affirm these rights must be governed by the rule of law;

THEREFORE, Her Majesty, by and with the advice and consent of the Legislative Assembly of New Brunswick, enacts as follows:..."

The Province of New Brunswick first started a family court system in 1972. These courts have extensive support services, including intake and counselling services by a professional social work staff as well as court accounting and the automatic enforcement of maintenance orders.

In 1979 a system of Unified Family Courts was introduced. The unified court is based on a federal-provincial cost-sharing

program. The Unified Family Court has jurisdiction to deal fully with legal problems affecting families. The Court eliminates the fragmentation of jurisdiction which in the past required that different legal aspects of a family problem be heard in different courts. The new court with the necessary support services encourages and assists families to resolve their problems whenever possible, without having to go before a judge.

The jurisdiction for the Unified Family Court is in the Judicature Act, R.S.N.B. 1973 c. J-2, as amended 1978 c. 32:

"Family Division":

"11(1) In sections 11 to 11.6

"judicial district" means the judicial district in which the Family Division may exercise its jurisdiction;

"proceeding" includes any action, cause, matter, petition or application.

11(2) The Chief Justice of the Court of Queen's Bench may direct that any judge of the Trial Division may hear and determine any proceeding brought in the Family Division where for any reason a judge of the Family Division cannot act, and for such purposes each judge of the Trial Division is a judge of the Family Division.

11(3) The Family Division has the jurisdiction vested in the Trial Division.

11(4) Subject to subsection (5), the Family Division is constituted to hear and determine proceedings with respect to matters set out in Schedule A, and for such purposes the Family Division may also exercise the jurisdiction vested in the Court of Divorce and Matrimonial Causes, the Provincial Court of New Brunswick, a Juvenile Court and a Court of Probate, and in a judge of such courts, and, without limiting the scope of the above, may exercise the jurisdiction of a court or a judge under any provision set out in Schedule B."

"11.3(1) Subject to any other Act, whether of the Legislature of the Province or of the Parliament of Canada, that applies to proceedings in the Family Division, a judge of the Family Division may, in whole or in part, hear a proceeding in open court or in camera, and in exercising his discretion the judge shall take into consideration in every case

(a) the public interest in hearing the proceeding in open court,

(b) any potential harm or embarrassment that may be caused to any person if matters of a private nature were disclosed in open court; and

(c) any representations made by the parties.

11.3(2) Where a proceeding in the Family Division is held in camera, the judge may exclude or cause to be excluded from the court all persons other than counsel and witnesses in the proceeding and such other persons as the judge, in his discretion, may permit to be present.

11.4(1) Upon ex parte application or on his own motion, a judge of the Family Division may direct a family counsellor, social worker, probation officer or other person approved by the Family Division for the purpose who has had no previous connection with the parties to the proceeding to make a report on a party to the proceeding or on any other person who, in the opinion of the judge, is associated with a matter that is subject of the proceeding."

Jurisdiction over the following matters is vested in the family court.

SCHEDULE A

- (a) formation of marriage;
- (b) dissolution and annulment of marriage;
- (c) jactitation of marriage;
- (d) judicial separation;
- (e) rights to property, in disputes among members of the same family, including dower, partition and sale, and settlements;
- (f) restitution of conjugal rights;
- (g) maintenance of a deceased person's dependents;
- (h) alimony, maintenance and protection for spouses;
- (i) maintenance of children;
- (j) maintenance of parents;
- (k) enforcement of alimony and maintenance orders;
- (l) affiliation proceedings;
- (m) custody of and access to children;
- (n) adoption;
- (o) declaration of status, including validity of marriage, legitimacy and legitimation;
- (p) charges or proceedings under the Criminal Code of Canada with respect to incest and other sexual offences committed by a family member against another

- member of the same family, corrupting children, failing to provide necessities, abandoning children, abduction of children by members of the same family, assaults by a member of a family against another member of the same family and thefts by a family member from another member of the same family;
- (q) charges or proceedings against a person under the age of sixteen years in respect of an offence under any provincial statute;
 - (r) charges or proceedings against a person in relation to an offence under a provincial statute against another member of his family;
 - (s) charges or proceedings under the Juvenile Delinquents Act;
 - (t) guardianship of the person and property of minors;
 - (u) consent to medical treatment of minors;
 - (v) actions in tort where the defendant, or any defendant, is a member of the same family as the plaintiff;
 - (w) the committal, custody or detention of any person, or the management of his property, for reasons of alcoholism, mental illness, mental incompetency or mental or physical infirmity;
 - (x) change of name;
 - (y) presumption of death.

The following acts are under the jurisdiction of the Family Court.

SCHEDULE B

Change of Name Act
Child and Family Services and Family Relations Act
Criminal Code of Canada, section 150, section 153, section 166, section 168, section 197, section 200, section 224, section 245, section 249, section 250, subsection 289(2)
Divorce Act (Canada)
Divorce Court Act
Guardianship of Children Act
Habeas Corpus Act
Infirm Persons Act
Judicature Act and Rules of Court
Juvenile Courts Act
Juvenile Delinquents Act
Marriage Act
Married Woman's Property Act
Medical Consent of Minors Act
Mental Health Act
Presumption of Death Act
Probate Courts Act, section 105
Property Act
Reciprocal Enforcement of Judgments Act
Reciprocal Enforcement of Maintenance Orders Act
Schools Act

Testators Family Maintenance Act
Training Schools Act
Treatment of Intoxicated Persons Act

The Child and Family Services and Family Relations Act (herein after referred to as the Act) specifically identifies the rights of children.

The Department of Social Services offers an extensive Adoption Service. The Act describes the responsibilities and accountability of the Minister of Social Services in adoptions and gives recognition to the services available through his department. It protects the parent's right to select the adoption home for the child and increases the penalties for any person who interferes with this right. Time restraints are set forth that protect the interests of the natural parent, the child and the adopting parents and also the legislation describes the right of access to information on the adoption.

The Act makes provision for the protection of abused and neglected adults. The legislation provides for the assessment of those matters where there is suspicion of abuse and neglect, the obligation of the Department to take action if the adult requires protection and, in addition, court dispositions that would authorize action that cannot be accommodated through voluntary means.

The provisions relating to support are intended to provide for the equal application of support obligations to both spouses and their children.

Support obligations are mutual between husbands and wives and extend to men and women who have cohabited for a period of not less than three years or where there is a child and a relationship of some permanence.

The Law provides for an application for support of a dependent who is on social assistance to be made by the Minister of Social Services extending the Minister's authority in this area.

Support is based on need rather than fault and the legislation enumerates a list of considerations which the court must take into account when determining the amount.

Those provisions which relate to the status of children are intended to eliminate illegitimacy and to provide clear procedures for establishing parentage.

Children are accorded equal status as children of their natural parents whether born within or outside marriage.

The distinction between legitimate and illegitimate children is abolished with respect to children born either before or after

the new act and kindred relationships are determined on the basis of the parent-child relationship.

Presumptions of paternity are established in the act and the court may declare paternity on the basis of a statutory presumption unless the contrary is proved.

The mother of a child and a man may file a statutory declaration with the Registrar General of Vital Statistics stating that they are the parents of the child.

A court is authorized to allow parties to submit in evidence the results of blood tests and other tests that may be relevant to parentage and to draw inferences from the failure of any party to submit to such a test. Tests are, however, administered only with the consent of the person being tested.

(2) Marriage:

The law relating to Marriage in the Province of New Brunswick is found in The Marriage Act, R.S.N.B. 1973 c. M-3. Section 16 makes provision for application for a marriage licence:

"16(1) An application for the issue of a marriage licence shall be made in manner following: both parties to the intended marriage shall personally attend before the issuer of marriage licences and being examined separately and apart from one another, each shall make an affidavit, in the form prescribed by regulation, that shall state

(a) in what city, town, village or parish it is intended that the marriage is to be solemnized, and the person before whom it is intended that the marriage is to be solemnized;

(b) that he or she believes there is no affinity, consanguinity, prior marriage or other lawful cause or legal impediment to bar or hinder the solemnization of the marriage;

(c) the age of the deponent and that the other contracting party is of the full age of eighteen years, or the age of such contracting party if under the age of eighteen years, as the case may be;

(d) the facts necessary to enable the issuer to judge whether or not the required consent has been given in the case of a party under the age of eighteen years, or whether or not such consent is necessary;

(e) the condition and life of the parties, whether bachelor, spinster, widower, widow or divorced person according to the facts; and

(f) such other or additional information as may be prescribed by the Lieutenant-Governor in Council.

16(2) The affidavits shall be taken and subscribed before the issuer of marriage licences to whom the application is made.

16(3) The issuer before administering the oath to an applicant shall see that the applicant is aware of what degrees of affinity and consanguinity are a bar to the solemnization of marriage."

If either of the parties is under age eighteen the consent of the father or mother is required. If the father and mother are both dead or for some reason unable to give consent the consent of a guardian must be given.

Marriages in the province can be solemnized by: a minister, priest, rabbi, commissioner, staff officer or other commissioned officer of the Salvation Army, or a clerk of The Court of Queen's Bench of New Brunswick.

Common law still applies in New Brunswick regarding the minimum age, that is, females must be 12 years old and males must be 14 years old before they can be married, even with consent. All marriages must be recorded with the Vital Statistics Branch of the Department of Health.

(3) Establishment of a Family: Provision of Housing and Other Grants

The New Brunswick Housing Act, R.S.N.B. 1973 c. N-6 establishes a Housing Corporation. The Corporation gives loans to the individual of low income for the purpose of assisting in the construction of housing. Provision is also made under the Act for a grant of \$500 to be made to first time occupants of a new home.

A program of Rural and Native Housing, a joint federal-provincial project is designed to provide housing to low-income families and non-status Indians in rural areas or small communities.

(4) Measures Aimed at Maintaining, Strengthening and Protecting the Family

Residents of the province receive family allowance under the Federal plan. Taxpayers receive tax reduction based on the number of dependent children under the Income Tax Act.

The Social Services and Education Tax Act, R.S.N.B. 1973 c. S-10 provides in section 11 for the following exemptions that are particularly helpful to the family:

"11 A consumer shall not be liable to pay the tax in respect of the consumption of the following goods:

(a) food and food products for human consumption off the premises where purchased,...

(n) drugs and medicines when purchased on the prescription of a medical practitioner, dentist or veterinarian;...

(aa) school text-books;

(cc) classroom supplies;

(dd) clothing;

(ee) footwear;"

As mentioned previously a major concern of the Department of Social Services is the providing of services to families. Day-care services come under this Department. It has the legislative responsibility to license day-care centers throughout the province to ensure that the centers operating in New Brunswick are providing satisfactory services and are familiar with social and financial needs.

Any day care center providing care to more than five children must be licensed and must meet standards related to safety, health, nutrition, staff ratios, space and equipment.

In order for a family to qualify for a day care subsidy, the family must have a "social need" for the service which is defined as a situation where the parent or two parents are working, in training, or undergoing a program of rehabilitation or treatment, or where the child has a special need for the service. A family must also demonstrate financial need for a day care subsidy. This need is determined by considering the total family income (including family allowance) and family size in relation to the total day care cost.

An important child-care institution in the province is the Dr. William F. Roberts Hospital School. This institution has facilities for the diagnosis, assessment and treatment of mentally and physically handicapped children.

B. Maternity Protection

(1) Principal Laws, Administrative Regulations and Collective Agreements Governing Various Aspects of Maternity Protection

The principal law regarding maternity protection is the Minimum Employment Standards Act, R.S.N.B. 1973 c. M-12. The Act prohibits an employer from refusing to employ a pregnant woman for reasons of her pregnancy. The Act also sets out the amount of time a pregnant woman is to be permitted to be absent from her work.

The non-bargaining personnel policies under the Public Service Labour Relations Act, R.S.N.B. 1973 c. P-25 provides for maternity leave.

An analysis of 252 collective agreements on file with the Department of Labour and Manpower (from about 600 agreements in existence in the province) reveals that approximately 14% contain provisions with reference to length of maternity leave, 0.8% contain reference to maternity leave pay and 11.1% contain reference to seniority status during maternity leave.

The following is a cross section of clauses referring to maternity leave in the collective agreements:

Collective Agreement #1

An employee with one year or more of continuous service who is to be absent as a result of pregnancy shall be given the choice of applying for leave of absence without pay or of resigning.

Such leave of absence should not exceed a period of four (4) months, however, leaves up to an additional period of two (2) months may be granted should the employee's physician recommend it in writing to the company.

An employee wishing to work beyond the seventh month of her pregnancy must provide a statement of medical approval from her attending physician. In cases of a leave of absence as a result of pregnancy the position may be filled by a temporary replacement. Notice of return to work must be given the company at least three (3) weeks before the employee's return. The returning employee shall be re-employed in her former position or an equivalent position. An employee who elects not to return to work on expiration of maternity leave of absence, upon application, will be given preference for any vacancy for which she is qualified.

Collective Agreement #2

11:07 Maternity leave of absence shall be granted, subject to the following:

- (A) Employee states her intention to return to work and makes a formal application for leave of absence prior to leaving.
- (B) A female employee who leaves the company because of pregnancy, may do so and not lose her seniority during the period of no less than six (6) weeks before nor more than eleven (11) weeks after delivery of the child; total period not to exceed seventeen (17) weeks.
- (C) The employee must request reinstatement from maternity leave and she shall be reinstated at the same salary and on the same job she had prior to being granted maternity leave plus any general increase which may have been granted in the interim.
- (D) Employees shall accumulate seniority while on maternity leave and her original seniority date shall not be affected.

Collective Agreement #3

- 23.01 Employees entitled to maternity leave shall be permitted to use ten (10) days of their accumulated sick leave credits while on maternity leave, commencing on the first day of maternity leave.
- 23.02 Should the employee not return to work following her maternity leave, the employee shall compensate the employer for such sick leave granted.
- 23.03 Not later than the twentieth (20th) week of her pregnancy, a pregnant employee will inform the institution or agency of the anticipated delivery date.
- 23.04 For those employees employed in direct patient care, maternity leave shall commence at least six (6) weeks before the anticipated delivery date.
- 23.05 Upon request an employee may commence her maternity leave prior to the six (6) weeks per Article 23.04 for health reasons.
- 23.06 The employer may direct an employee who is pregnant to proceed on maternity leave at any time, where, in its opinion, the interest of the employer so required.
- 23.07 (a) Maternity leave shall terminate not less than six (6) weeks following delivery.

(b) Leave of absence without pay shall be granted, not to exceed three and one-half ($3\frac{1}{2}$) months following

delivery, provided the employee requests such leave six (6) weeks prior to the anticipated delivery date.

- (c) If an employee wishes to return to work upon completion of her normal maternity leave (in accordance with Article 23.07 (a)), she shall notify the employer within seven (7) days following the date of delivery.

23.08 An employee returning to work from maternity leave shall be reinstated to her previously held position.

This particular collective agreement provides for a form of maternity leave for men.

23.09 Provided that reasonable notice is given, a nurse shall be allowed five (5) days leave of absence without pay when his wife gives birth.

Collective Agreement #4

30.01 Every employee who becomes pregnant shall, not later than the end of the fifth (5th) month of her pregnancy:

- (a) request maternity leave to commence on a date that is within the three (3) month period immediately preceding the expected date of termination of her pregnancy, or
- (b) give notice of resignation to be effective within the three (3) month period immediately preceding the expected date of termination of her pregnancy.

30.02 An employee requesting maternity leave shall submit, with the application of leave, a statement from her physician indicating that employment to the date specified in the application will not be injurious to her health providing unforeseen complications do not arise.

30.03 Where an employee submits to the Deputy Head or Chief Executive Officer a certificate from a qualified medical practitioner stating that her health so requires, the Deputy Head or Chief Executive Officer shall grant maternity leave to the employee to commence earlier than three (3) months before the expected termination of her pregnancy.

30.04 The Deputy Head or Chief Executive Officer may direct an employee who is pregnant to proceed on maternity leave at any time where in his opinion, the employee cannot perform her normal work function.

30.05 Maternity leave will continue for a period of two (2) months from the date of termination of the pregnancy

unless sooner terminated by the employee's resignation or return to work.

- 30.06 When an employee on maternity leave wishes to return to work, she shall give the Deputy Head or Chief Executive Officer notice of the fact at least ten (10) working days prior to the date that she will be ready to return to work, and shall submit the written approval of a qualified medical practitioner.
- 30.07 An employee who returns to work on or before the last day of the second month following the termination of her pregnancy, shall retain the position on the plan of organization in the same department, board, commission, or agency in the same geographical location that she held prior to and during the period of her temporary absence when she is ready to return to work.
- 30.08 An employee who returns to work in accordance with clause 30.07 shall receive a pay that is equivalent to or greater than the rate of pay she was receiving immediately prior to her departure on maternity leave.

Collective Agreement #5

- 25.03 Upon written request, leave of absence without pay and without loss of seniority shall be granted for pregnancy to a maximum of six (6) months. Except that, upon application in writing, the employee shall be allowed to use ten (10) sick leave days for maternity leave, if she so desires. The employee returning to work after maternity leave shall provide the employer with at least two (2) weeks' notice. On return from maternity leave, the employee will be placed in a position consistent with the seniority provisions of this agreement.

Collective Agreement #6

- 4.06 (a) A female employee will be granted pregnancy leave of absence provided she makes application in writing to the personnel manager and files a certificate from a qualified medical doctor specifying the expected date of delivery. The leave of absence will terminate three (3) months from the actual date of delivery, and should the employee fail to return to work by the expiry date she will be deemed to have voluntarily terminated her employment with the company. The employee will give two (2) weeks notice in writing to the personnel manager of her intention to return to work, however, in no case will an employee return during the six (6) weeks immediately following the delivery of the child.

(b) Pregnancy leave of absence will be without pay or other benefits. Employees will continue to accumulate seniority during their first pregnancy leave of absence granted following December 11, 1978, however, during a second or succeeding pregnancy leave of absence employees will not accumulate seniority. On being reinstated the employee will be given credit for her service prior to the commencement of the leave of absence. She will receive the same salary she received at the commencement of her leave of absence, plus any general increase which may have been granted in the interim.

(2) Pre-Natal and Post-Natal Protection and Assistance, Medical and Health Care, Irrespective of Marital Status

The Maternal and Child Health Services Branch of the Department of Health operates a public health nursing program. Public health nurses are located in regional offices throughout the province. The nurses operate a pre-natal program designed to provide counselling, education and instruction in the process of pregnancy and to prepare the woman for childbirth. Classes are organized to give information to the pregnant women and home visits are made.

A post-natal health supervision program is conducted by the Maternal and Child Health Services Branch. Contact is maintained with mothers for six weeks after the birth of the baby. Information is provided on infant and post-natal care, in particular in the areas of nutrition, immunization and post partum check-ups. Health appraisal of the newborn and the mother is also provided.

The Department of Social Services recently started a special program for unmarried mothers. The Department was concerned that many young unmarried mothers were unprepared for the responsibility of parenting. The Department publicizes the Unmarried Parents Service so that pregnant unmarried women are aware of the service available to help them make decisions for themselves and their newborn children.

(3) Special Protection and Assistance Accorded to Working Mothers Including Paid Leave and Guarantees Against Dismissal During Reasonable Period Before and After Childbirth

The Minimum Employment Standards Act guarantees against the dismissal of an employee, for reasons arising from her pregnancy only. The Act also specifies the amount of time the pregnant woman can be absent from her work.

The provisions are in section 9, 10 and 11 as follows:

"9 An employer shall not refuse to employ a female person who is pregnant for reasons arising from her pregnancy only.

9.1 An employer shall permit a female employee to be absent from her work during a period of six weeks from the time of being delivered of a child.

10 An employer shall permit a pregnant female employee to be absent from her work for a period up to six weeks before her time of delivery on production of a medical certificate stating her delivery will probably take place within six weeks.

11 Where a female employee is absent from her work in accordance with section 9.1 or 10, her employer shall not give notice of dismissal for reasons arising from her absence until the employee has been absent for a maximum period of seventeen weeks."

Maternity leave is provided for in the non-bargaining personnel policies under the Public Service Labour Relations Act.

"8.01 (1) A pregnant employee must notify her supervisor of her pregnancy at least three (3) months prior to the expected date of delivery.

(2) An employee is entitled to maternity leave (leave without pay) for two (2) months prior to the expected delivery date and three (3) months after the delivery date.

(3) The periods of leave before and after the delivery date may be extended or reduced in which case the employee may be required to submit an appropriate medical certificate.

8.02 Paid leave with the exception of vacation leave, cannot be taken in cases of confinement resulting from pregnancy.

8.03 An employee who resigns for maternity reasons will be considered to have been on leave without pay if she is re-employed in Schedule "A" within six (6) months from the date of resignation.

8.04 An employee who is entitled to maternity leave may use up to ten (10) days of accumulated sick leave credits to cover the two (2) weeks waiting period before which maternity leave benefits under the Unemployment Insurance Act become payable."

There is provision under the federal Unemployment Insurance Act for payment to be made to women who are unemployed due to pregnancy.

(4) Specific Measures to Assist Mothers Maintain Their Children in Case of Death or Absence of Husband

The Social Welfare Act, R.S.N.B. 1973 c. S-11 provides for welfare payments to be made to the single parent.

If the woman's income is low, she may be able to qualify for a day care subsidy under the Day Care Services Program of the Department of Social Services. During the 1978-79 fiscal year 89% of the subsidized spaces in day care facilities were used for children of one parent families.

The Assessment Act, R.S.N.B. 1973 c. A-14 provides under section 4 for exemptions from taxation for property owned by a woman as follows:

"4 (1) All real property in New Brunswick is liable to assessment and taxation, subject to the following exemptions from taxation:

(g) real property of a woman to the extent of one acre of land used by her as her residence to the amount of six thousand dollars where

(i) her total annual income does not exceed seven thousand dollars, and

(ii) she is not supported by her husband;"

C. Protection of Children and Young Persons

(1) Principal Laws and Administrative Regulations Aimed at Protecting and Assisting all Children and Young Persons

The principal laws in the province that are designed to protect children are:

Child and Family Services and Family Relations Act, S.N.B. 1980, c. C-2.1

Minimum Employment Standards Act, R.S.N.B. 1973 c. M-12

Schools Act, R.S.N.B. 1973 c. S-5

Liquor Control Act, R.S.N.B. 1973 c. L-10

Occupational Safety Act, S.N.B. 1976 c. O-0.1

Auxiliary Classes Act, R.S.N.B. 1973 c. A-19

Education of Aurally or Visually Handicapped Persons Act, S.N.B. 1975 c. E-1.2.

The Child and Family Services and Family Relations Act consolidates the provisions of a number of previously existing laws concerning children, such as the Adoption Act, R.S.N.B. 1973, c. A-5, the Child Welfare Act, R.S.N.B. 1973, c. C-4, the Day Care Act, S.N.B. 1974, c. D-4.1, the Deserted Wives and Children Maintenance Act, R.S.N.B. 1973, c. D-8, the Hospital Schools Act, R.S.N.B. 1973, c. H-8, the Legitimation Act,

R.S.N.B. 1973, c. L-4, and the Mentally Retarded Children Act, R.S.N.B. 1973, c. M-11. These acts were repealed with the entry into force of the Child and Family Services and Family Relations Act in September 1981.

The preamble to the Child and Family Services and Family Relations Act, which is reproduced at the beginning of this section under heading A, outlines the purpose and philosophy of the legislation. Among other things, the Act deals with the protection of children, the care and custody of children, the adoption of children, the parentage of children, the support obligations of children by their parents, in general, with all measures necessary for the well-being of children.

The Schools Act provides for free school privileges for every person from six to 20 years of age.

The Department of Health administers a number of programs to insure the healthy physical and psychosocial development of children. Public health nurses and regional medical officers administer child health conferences, pre-school clinics and school health programs.

There is no distinction made in any of these programs as to the birth, parentage or social origin of the child.

(2) Special Measures for the Care and Education of Children, Separated from their Mothers; Physically, Mentally or Socially Handicapped Children and Delinquent Minors

The Department of Social Services operates a number of programs designed to care for children separated from their mothers or deprived of a family. Child Care Services provide alternate care and living situations for children who must be separated from natural families for a short period of time. The children are supervised to ensure that they have the opportunity to grow and develop in a healthy family environment until they can be returned to their natural family, or if that is not possible, adopted by another family.

The Department attempts to provide the best individual care for children who cannot remain in their own homes. In placing children elsewhere all efforts are made to help children lead as natural and normal a lifestyle as possible.

During the past year attention has been focused on the development of provincial standards for the provision of care services to children under the Departments' responsibility. This will ensure that a consistent quality of service is being provided to all children under the Departments' programs.

Attention has been given to the development and maximum use of the Department's residential facilities for children with special needs. Group homes have been opened which offer services to

children with socio-emotional problems who are not able to function either in their own home or in a foster home.

Foster homes are the main resource for the care of children without families. The Department has initiated planning activities to further develop this resource. Activities are organized with foster parents and their local associations. Foster parents participate in orientation and training sessions. Foster parent days are organized at different times in various parts of the province. These special occasions provide an opportunity for foster parents and social workers to increase their understanding of each other's role.

The Department searches for a permanent family through adoption for children unable to return to their homes. The public demand to adopt healthy infants exceeds the number of infants available for adoption. The recruitment of adoptive families for older children and for those with physical, emotional, or mental handicaps, and their placement are supported through the Provincial Adoption Exchange, the Atlantic Adoption Exchange and the National Adoption Desk.

Education for mentally handicapped children is provided for in the Schools Act and the Auxiliary Classes Act.

The Schools Act sets out:

"45(3) when a director of a mental health clinic certifies in writing that a person is mentally defective to the extent that he is unlikely to benefit from attendance at school, the school board

(a) shall refer that person to services under the Auxiliary Classes Act where those services are available within the school district, and

(b) may refuse admission to school to that person."

The Auxiliary Classes Act administered by the Minister of Education provides for the establishment of a society to establish auxiliary classes:

"3 Where an incorporated association or a person is willing to carry on the work within the scope of this Act, if

(a) the incorporated association or person expresses a willingness in writing to the Minister of Education, and

(b) the Minister satisfies himself on the advice of the Minister of Health, that the incorporated association or person is suited for and capable of

undertaking the training, education and welfare of cerebral palsied or mentally retarded children,

the Lieutenant-Governor in Council may approve the incorporated association or person as a society for the purposes of this Act."

"4 Subject to the regulations, a society

(a) may establish auxiliary classes and conduct in the classes or privately such courses of instruction and training as are best adapted to secure the mental and physical development of children who are from any physical or mental cause unable to take proper advantage of the public school courses provided for under the Schools Act,

(b) may employ speech therapists, physiotherapists, teachers and special instructors to conduct the courses contemplated under paragraph (a),

(c) may, subject to the approval of the Minister of Education and the school board concerned, conduct its courses in one or more rooms of a school on such terms and conditions as the Minister of Education and the school board prescribe,

(d) may purchase, lease or otherwise acquire and hold such property, both real and personal, as is suitable for conducting its courses,

(e) may provide for the transportation of pupils to and from the auxiliary classes,

(f) may provide in connection with the courses, a suitable residence for the pupils, and employ such officers and servants as it deems proper for the oversight and care of the pupils in residence."

The Education of Aurally or Visually Handicapped Persons Act, S.N.B. 1975 c. E-1.2 deals with the education of a child who is handicapped visually or aurally. An agreement was entered into by the provinces of New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island in 1975, to provide for the establishment of the Atlantic Provinces Special Education Authority and resource centers. This agreement provides for educational services, programs and opportunities for the visually and aurally handicapped in these provinces.

Although special schools have been set up in the Province of Nova Scotia that are used by all the Atlantic provinces the trend is, wherever possible to send the child to a regular school. In this way the handicapped child is able to lead as normal a life as

possible. Under the agreement entered into by the four provinces a specialist is hired for each province to oversee the education of these children and itinerant teachers monitor the progress and assist wherever possible in the normalization of the child.

The Department of Social Services and the Department of Education have concluded an agreement to allow the Social Services Department to provide social work services to children in school with learning disabilities or behavioral problems.

Provision for the education of delinquent minors (male) is made in the Training School Act, R.S.N.B. 1973 c. T-11.

Where a boy under the age of 12 years has been sentenced to confinement he may by order be placed in the Training School in the Province. The purpose of the School is to provide custody, detention and training for boys sentenced to confinement, with a view to their education, reformation and rehabilitation.

There is no such school for girls in the province. Delinquent girls are sent to a school in Nova Scotia.

(3) Measures to Protect Children and Young Persons Against Economic, Social and All Other Forms of Exploitation, Neglect or Cruelty

The Child and Family Services and Family Relations Act makes the reporting of suspected situations of child abuse and neglect mandatory. The provisions contained in section 30 of the Act are as follows:

"30(1) Any person who has information causing him to suspect that a child has been abandoned, deserted, physically or emotionally neglected, physically or sexually illtreated or otherwise abused shall inform the Minister of the situation without delay.

30(2) Subsection (1) applies notwithstanding that the person has acquired the information through the discharge of his duties or within a confidential relationship, but nothing in this subsection abrogates any privilege that may exist because of the relationship between a solicitor and the solicitor's client.

30(3) Any professional person who fails to comply with subsection (1) having acquired the information referred to in subsection (1) in the discharge of his professional responsibilities commits an offence.

30(4) Where the Minister has reasonable grounds to suspect that any person has failed to comply with subsection (1), the Minister may, in addition to any action he may take with respect to prosecution, require

any professional society, association or other organization authorized under the laws of the Province to regulate the professional activities of the person to cause an investigation to be made into the matter.

30(5) No action lies, in relation to the giving of information under subsection (1), against a person who in good faith complies therewith.

30(6) Except in the course of judicial proceedings, no person shall reveal the identity of a person who has given information under subsection (1) without that person's written consent.

30(7) Any person who violates subsection (6) commits an offence.

30(8) Upon completion of any investigation undertaken by the Minister as a result of any information provided by any person, the Minister may so advise the person who provided the information, and shall inform

- (a) the parent;
- (b) any person identified during the investigation as a person neglecting or ill-treating the child; and
- (c) the child, if in the opinion of the Minister he is capable of understanding,

as to the findings and conclusions drawn by the Minister.

30(9) Notwithstanding the Evidence Act, a spouse may be compelled to testify as a witness in the course of judicial proceedings brought against his spouse under this Act with respect to abuse or neglect of a child or an adult.

30(10) For the purposes of subsection (3) "professional person" means a physician, nurse, dentist or other health or mental health professional, a hospital administrator, a school principal, school teacher or other teaching professional, a social work administrator, social worker or other social service professional, a child care worker in any day care centre or child caring institution, a police or law enforcement officer, a psychologist, a guidance counsellor, or a recreational services administrator or worker, and includes any other person who by virtue of his employment or occupation has a responsibility to discharge a duty of care towards a child."

Since January 1979, the Department of Social Services has established a number of local community committees for Child Protection Services across the province. These committees, composed of local representatives from social work, law, medicine, education and other interested organizations, have the primary purpose of improving services to abused and neglected children by facilitating interdisciplinary cooperation in the detection, referral and treatment of abusive and neglectful families.

In March 1979, a provincial training session was held for Social Services staff and community professionals involved in Child Protection Services. The resource person was an internationally known trainer and consultant in Child Protection Services. The sessions dealt with the topics of child abuse, child neglect and sexual exploitation.

Children are further protected by Acts such as the Liquor Control Act, R.S.N.B. 1973 c. L-10 which prohibits the sale of liquor to anyone under the age of 19 years.

"137(1) No person shall sell, give, serve, buy for or on behalf of or supply liquor to a person under the age of nineteen years."

The only exception to this age limit is if the liquor is supplied by a parent or spouse.

"137(6) A person under the age of nineteen years may consume,

(a) in a residence, liquor supplied to him for beverage purposes by his parent or spouse, and

(b) in any licensed premises other than a licensed tavern or a licensed beverage room, beer and wine supplied to him for beverage purposes with meals by his parent or spouse,

if he consumes it while he is in the presence of the parent or spouse who has supplied it to him."

Regulation 162: SOR 1963. Under the Theatres, Cinematographs and Amusements Act, R.S.N.B. 1973 c. T-5 sets out in section 14 provisions relating to attendance by children:

"14(1) Unless accompanied by an adult

(a) no child under the age of ten years shall be permitted to attend any theatre or place of amusement except on Saturday and statutory holiday matinees; and

(b) no child apparently under the age of sixteen years shall be permitted to attend any theatre or place of amusement after 7 p.m.

(2) No child apparently under the age of sixteen years shall be permitted to attend any theatre or place of amusement during his school hours."

A number of federal acts protect children such as the Criminal Code and the Juvenile Delinquents Act. These are reviewed in the federal part of this report.

(4) Provisions Governing Work by Children and Young Persons

The Minimum Employment Standards Act, R.S.N.B. 1973 c. M-12 defines "child", as a person under the age of sixteen years and "young person", as a person sixteen years of age or over but under the age of eighteen. The Act, administered by the Department of Labour and Manpower, sets out working conditions for children and young persons as follows:

"5(1) An employer shall, when requested so to do by an inspector, obtain and produce to him a certificate of birth of any child or young person employed in a place of employment in which he is the employer."

"6(1) No employee under the age of eighteen years shall be employed in a place of employment for more than nine hours per day unless a different apportionment of hours of work per day has been made for the sole purpose of giving a shorter day's work on Saturday or some other day, or unless the hours of employment have been extended for such employees with the written authorization of the Minister."

"6(2) No employee under the age of eighteen years shall be employed in a place of employment for more than forty-eight hours per week unless the hours of employment have been extended for such employees with the written authorization of the Minister."

"7 When an authorization has been granted by the Minister under the provisions of section 6, the employer shall keep a daily record of the hours of employment of each employee working longer hours by reason thereof, and shall post in a conspicuous place in the place of employment a notice signed by the employer and the inspector, setting forth the conditions contained in the authorization."

The Minimum Wage Act applies to children and young persons the same as everyone else in the province. There is no provision for them to be paid less because of their age.

(5) Measures Taken to Prevent Employment of Children and Young Persons in any Work Which Would be Dangerous to Life

The Occupational Safety Act, S.N.B. 1976 c. 0-0.1 places the onus on employers, to take every reasonable precaution to ensure the health and safety of any person having access to any place of employment, over which he has charge and control.

The Act defines child as a person under the age of sixteen years and young person as over sixteen but not over eighteen.

The Department of Labour and Manpower has an Occupational Safety Division which is responsible for the enforcement of the Act. Sections 10, 11 and 12 refer to the employment of children and young persons:

"10(1) No employer shall employ a child in a place of employment without the written authorization of the Minister.

10(2) The Minister may prohibit the employment of young persons in any place of employment considered by the Minister to be dangerous or injurious to the health, safety or welfare of such young persons.

11(1) An employer shall, when requested to do so by an officer, obtain and produce to him a certificate of birth of any child or young person employed in a place of employment in which he is the employer.

11(2) In any case, where the production of a certificate of birth is requested under authority of this section, the officer, upon being satisfied that the production thereof is impossible or impracticable, may accept in lieu thereof the affidavit of some person having personal knowledge of the facts.

12(1) No employer shall cause or permit an employee to work in a place of employment for a period exceeding five consecutive hours without allowing that employee a suitable period for food and rest.

12(2) In cases of dispute as to a suitable period, the Chief Safety Officer may fix the duration of such period and the time at which such period shall be taken."

Occupational Safety Officers are located throughout the province to enforce the Act. When giving work authorization for a child the officers can insist on proper working conditions. For example, if a child is seeking authorization to work in the evening the officers can specify who is to take the child home after work. The officers will not approve the work application

if they feel the work is of a hazardous nature. The majority of the children working are 14 or 15 years of age. The Chief Safety Officer reports that permission for a 13 year old to work is seldom granted unless they are working for their own family.

(6) Number of Children and Young Persons Working

From April 1, 1979 to December 31, 1979, 438 permits were granted for children to work. There is no record of how many young persons are in fact employed in the province.

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. The right of everyone to an adequate standard of living is recognized by the Province of New Brunswick. The government of the province has set up departments such as Agriculture and Rural Development; Fisheries; Health; Labour and Manpower; and Social Services to insure that an adequate standard of living and a continuous improvement of the living conditions of the people of the province are available to all. The departments implement programs designed to assist individuals and groups of individuals, in taking full advantage of opportunities available.

B. Right to Adequate Food

(1) Principal Laws

There is no specific law in the Province of New Brunswick that states everyone is to have adequate food. This right is protected, however, by the Social Welfare Act, R.S.N.B. 1973, c. S-11 and the Minimum Wage Act, R.S.N.B. 1973, c. M-13. These Acts and the Regulations under them insure that everyone has money to purchase food. Acts such as the Disabled Persons Allowance Act, R.S.N.B. 1973, c. D-11 and the Old Age Assistance Act, R.S.N.B. 1973, c. O-3 are designed to help people who have more specific problems.

The Social Welfare Act defines a person in need as a person who is, for the time being, unable to provide for himself and such dependents as he is under a legal obligation to support. An applicant may appeal, in accordance with the procedure set out in the Regulations, any decision relating to his application for assistance or to the amount of assistance provided.

The Minimum Wage Act specifies that any person employed to do any work for remuneration, with the exception of a person employed in domestic service or agriculture, is to be paid a minimum wage. The minimum wage in New Brunswick is \$2.80 per hour.

The Disabled Persons Allowance Act and the Old Age Assistance Act make provision for payments to be made to people over 65 years of age and to people who are unable to work due to a physical disability.

(2) Agrarian Systems and Utilization of Natural Resources

The New Brunswick Department of Agriculture and Rural Development administers 37 Acts concerning food production and utilization of natural resources. The Department itself is divided into various branches and sections.

The major objective of the Agricultural Engineering Branch is to assist in the development of agriculture by assisting farmers in achieving optimum use of available natural and capital resources, thus establishing or increasing the viability of farm production units.

The branch organizes and operates programs in: Agricultural Land Resource Planning, Agricultural Resource Conservation and Development, Farm Structures, Farm Machinery and Farm Safety and Agricultural Production Planning.

Measures are taken in the province to develop agricultural programs. The Agricultural Associations Act, R.S.N.B. 1973, c. A-5, establishes agricultural societies. These societies are a community group of farmers organized for the general promotion of agriculture within that community.

The Agricultural Rehabilitation and Development Act, R.S.N.B. 1973, c. A-6 sets out programs for the alternative uses of land:

"2(1) The Minister may, with the approval of the Lieutenant-Governor in Council, enter into an agreement with the Government of Canada providing for

(a) the undertaking jointly with the Government of Canada or any agency thereof of projects for the more efficient use and economic development of marginal or submarginal agricultural lands specified in the agreement, or

(b) the payment to the Province of contributions in respect of the cost of such projects undertaken by the Government of the Province or any agency thereof.

2(2) The Minister may cause to be prepared and undertaken, directly or in co-operation with the Government of Canada, or any agency thereof, programmes of research and investigation respecting the more effective use and economic development of agricultural lands in the Province."

The Act also provides for the development of income and employment opportunities in rural agricultural areas and for the improvement of standards of living in those areas.

The Department of Fisheries makes an important contribution to the food supply of the province. The Department studies specific

problems such as transportation of fish, fringe benefits for fishermen, access to fish, and the needs in cold storage facilities.

Recently the New Brunswick School of Fisheries has completely restructured its teaching program. The students of the School are able to take advantage of updated methods of fishing, storing and marketing fish.

(3) Measures Taken to Improve Methods of Production and Quantity and Quality of Food

(a) Promotion of Agricultural Research

The Government of New Brunswick established the Research and Productivity Council in 1962. This Crown corporation carries out research, problem-solving and consulting on a cost-recovery basis for clients in New Brunswick, other provinces of Canada and countries abroad. The Chemistry and Food Sciences section is active in projects ranging from prevention of spoilage, salvaging of damaged products, maintaining and increasing market share to the introduction of new products. The Council works on a fee for service or contract basis, however it does provide information service to the general public.

The Agricultural Schools Act, R.S.N.B. 1973, c. A-7 provides for the establishment of schools:

"S.1 Schools shall be established in the Province at such places, and bearing such names, as the Lieutenant Governor in Council may think proper for instruction in the theory and practice of agriculture, horticulture, forestry, animal husbandry, butter and cheese making, domestic science, manual training, the construction and use of varieties of buildings, fences, drainage systems and other permanent improvements, machinery, implements, tools, instruments and appliances necessary or desirable on a farm, the elements of various sciences applicable to the above subjects, and such other subjects as will promote a knowledge of the theory and practice of the pursuits and subjects above referred to or add to the general efficiency and usefulness of those schools."

It is possible for people to receive training that will assist them in taking the best advantage of their land and give them updated information on animal husbandry and technical and scientific knowledge.

Under the Agricultural Resource Conservation and Development section of the Department of Agriculture and Rural Development, technical and financial assistance is provided to farmers wishing to develop, conserve and effectively utilize their land resources.

The Agricultural Production Planning Program of the Department is designed as a tool for the farmer to aid in the planned orderly development of the farming enterprise, utilizing the most up-to-date information and techniques.

The Marketing Section of the Department coordinates and provides support services for the marketing activities of various branches of the Department and for various agricultural commodity marketing boards and associations in the province. This section provides the funding and administrative support for the Dairy Products Commission, the Forest Products Commission as well as the Farm Products Marketing Commission.

The Extension Branch of the Department is responsible for the administration and supervision of the 4-H program. This youth program with a high priority on leadership development is designed to stimulate the interest of youth in all aspects of food production and homemaking activities.

(b) Measures Taken to Improve Food Consumption and Nutrition and Measures Taken for Dissemination of Knowledge of the Principles of Nutrition

The Home Economics Branch of the Department supplies resources and staff to assist rural families in management of both home and farm. This branch also monitors the cost of a nutritionally adequate, moderate cost diet in New Brunswick. Based on New Brunswick eating patterns and the recommended nutrient intakes in the Dietary Standards for Canada, food costs are then determined for individual age groups on a daily, weekly and monthly basis. Results are used by district home economists in budget counseling and are also available to other agencies requiring such information. The Branch conducts public awareness programs on good nutrition.

(4) and (5) Acts and Measures Taken Concerning Production, Marketing, Pricing and Storage of Food Generally

The Dairy Industry Act, R.S.N.B. 1973 c. D-1 provides for the regulation and supervision of the Dairy Industry. Inspectors check dairy plants and from time to time take samples of dairy products for analysis, grading or testing. The regulations of the Act provide for licensing of dairy plant operators and of persons carrying on or supervising the manufacture of dairy products. Among other things it sets out regulations for the standard of sanitation of dairy plants and water supply, machinery ustensils, appliances and conveyance used in the manufacture and storage of dairy products, as well as the compulsory pasteurization of dairy products and dairy by-products.

The Dairy Products Act, R.S.N.B. 1973 c. D-2: the objective of this Act is the establishment and enforcement of marketing conditions that will be to the common benefit of the dairy products

trade and the public. The Commission establishes a price or scale of prices to be paid for milk, cream and butterfat. It supervises, controls and regulates the purchase, transportation, handling, conversion, preparation, storing, delivery, sale and distribution of milk and cream as well as the care and collection of milk and cream containers.

The Fisheries Development Act, S.N.B. 1977 c. F-15.1, promotes the fishing industry, and thus has the overall effect of increasing available food. By virtue of the Act, financial assistance is available to aid in the establishment or development of fisheries in the province.

The Fishermen's Union Act, R.S.N.B. 1973 c. F-17, provides for the establishment of unions for fishermen. The general object of such unions being, "to procure information as to the latest improvements in boats and fishing gear of all kinds, as to the best methods of curing and preparing fish for markets and as to the transportation and marketing of all fish and fish products".

In an effort to reduce crop and post-harvest losses and waste, the Plant Industry Branch of the Department of Agriculture and Rural Development has programs and projects to assist growers to adopt modern technology into their operations. Research programs and special studies are conducted. Educational programs and investigation of field problems are the responsibility of the Crop Specialist Division.

The Pesticide Division administers the Pesticide Control Act, R.S.N.B. 1973 c. P-8, and is responsible for the regulation of the sale, use and storage of pesticides.

The Plant Disease Act, R.S.N.B. 1973 c. P-9, the Weed Control Act, R.S.N.B. 1973 c. W-7 and the Warble Fly Free Area Act, R.S.N.B. 1973 c. W-2 are all designed to protect and improve crops and resources.

The Crop Insurance Act, R.S.N.B. 1973 c. C-35 is administered by the Crop Insurance Commission. The Commission administers plans for a variety of crops including barley, wheat, strawberries, apples and potatoes.

Laboratory services are available to farmers in the province. A soil testing program enables farmers to achieve the optimum economic utilization of their land resources. Soil samples are analyzed for available crop nutrients and soil acidity; lime and fertilizer recommendations are then forwarded to the individual farmer.

Laboratory services are particularly helpful to apple growers. Tissue analyses are used to advise growers in the formulation of nutrition programs for their orchards, to maximize yield and quality. The program has now been expanded to service greenhouse crop producers.

The feed analysis program provides assistance to growers in evaluating the quality of forage and grain crops. The analyses are used to advise livestock producers on ration formulation and to encourage the optimum utilization of homegrown livestock feed crops.

The Agricultural Resource Conservation and Development Section carries out an active soil conservation program. Soil erosion control planning and field work are carried out by the Soil Conservation Engineer and his staff.

Technical and financial assistance is provided to farmers wishing to develop, conserve and effectively utilize their land resources. Farmers are assisted in planning and carrying out land development work which will increase its productive capabilities.

(6), (7) and (8) Measures Taken to Improve Food Consumption Levels and Nutrition

The Home Economics Branch of the Department of Agriculture and Rural Development in cooperation with the Department of Health, sponsors a nutrition month. Activities include workshops, demonstrations and mall displays designed to increase public awareness of good nutrition. The Branch Food and Nutrition Specialists in cooperation with the Departments of Fisheries and Health prepared a position paper on safe home canning practices. A joint press release is issued to all weekly and daily newspapers during the month of August. A display on home canning is used at exhibitions during the summer months.

The Home Economics Branch conducts extensive programs on prenatal nutrition, snacking, weight control, food budgeting, freezing and canning. Special noon-hour programs stressing the importance of good nutrition for office workers are held. The nutrition committee has been set up to help organize a program for farm families.

(9) Participation in International Co-operation, Efforts and Projects Aimed at Ensuring the Right of Everyone to be Free from Hunger

The Research and Productivity Council recently completed a contract for the United Nations Industrial Development Organization. The project was carried out in the Sudan to set up a model scheme to make use of the fruit of the tropical tree *Balanites aegyptiaca*. Less than one per cent of the available source of the fruit had been used. The project was successful in finding a way to utilize the fruit.

The New Brunswick Department of Fisheries in cooperation with the federal government under the Canadian International Development Agency Program has taken part in international programs such as

the training of fishermen from Algeria and Costa Rica at the School of Fisheries in the province.

The Director of the School of Fisheries in New Brunswick has just returned from Algeria where he was sent (under federal grant) to organize a fisheries school.

The present Director General of the New Brunswick fisheries department has just returned after 3½ years in West Africa. He was on loan to the United Nations as program leader of the Committee of Eastern Central Atlantic Fisheries to develop fisheries in West Africa.

New Brunswick takes part in North Atlantic Fisheries Organization meetings.

The Province exports fish products to fifty different countries.

The Department of Agriculture and Rural Development has been involved in a program of promotion of seed potatoes. Foreign trade delegations have been received from Hungary, Venezuela, Jamaica, Australia, Argentina and Algeria to study the seed potato improvement program.

The Planning and Development Branch of the Department serves as liaison on a number of inter-jurisdictional statistical committees. The Agricultural Production Planning staff members served on a number of provincial, Atlantic, national and international committees and organizations.

C. Right to Adequate Clothing

Regulations under the Social Welfare Act list clothing as one of the items of basic requirements and assistance is granted to meet these requirements. Also in the section of items of special need there is provision to provide:

"16(1)(c) items required to upgrade employability or to directly obtain employment where such items are not provided by the employer or any other source

- (i) training fees and supplies,
- (ii) tools and materials,
- (iii) special clothing,
- (iv) union dues;"

The Social Services and Education Tax Act, R.S.N.B. 1973 c. S-10 makes provision that no tax will be charged on items of clothing.

There are various volunteer agencies in the province that collect clothing, run clothing banks and provide good used clothes to persons in need.

D. Right to Housing

(1) Principal Laws and Administrative Regulations Designed to Promote the Right to Housing

The Province of New Brunswick has established the New Brunswick Housing Corporation. The objects and purposes of the Corporation as outlined in section 9 of the New Brunswick Housing Act, R.S.N.B. 1973 c. N-6 are as follows:

"9 The objects and purposes of the Corporation are:

(a) to study housing needs and conditions and the adequacy of existing housing accommodation in New Brunswick or in any part of New Brunswick with particular reference to the needs of individuals and families of low income,

(b) to cause steps to be taken toward the construction or provision of more adequate and improved housing accommodation,

(c) to make recommendations for the increase and improvement of housing accommodation,

(d) to recommend further legislation to encourage and facilitate increased and improved housing accommodation,

(e) to obtain the participation of municipalities in housing projects,

(f) to study new housing types and construction methods for the efficient accommodation of individuals and families of low income and to promote the acceptance of such types and methods,

(g) to encourage the adoption of codes of minimum standards for housing accommodation,

(h) to study the usefulness and application of co-operative, condominium and other forms of housing ownership and their application to housing needs in New Brunswick, and

(i) to carry out such other studies and duties as the Lieutenant-Governor in Council directs."

The Department of Social Services is involved in housing in various programs, particularly that of Rural and Native Housing. Rural and Native Housing is a federal government program operated by the New Brunswick Housing Corporation and the Department of Social Services. The purpose of the program is to supply housing

to low income families in rural areas, small communities or to non-status Indians. The objective is to construct or renovate houses for low-income families in rural areas throughout the province. The Department of Social Services helps clients who move into new homes to cope with changing living conditions, and with follow-up counselling.

The Social Welfare Act, R.S.N.B. 1973 c. S-11 provides in section 7:

"If the Lieutenant-Governor in Council approves, the Minister

- (a) may erect, acquire, purchase, alter, add to, improve, furnish and equip a building as a home for the accommodation of persons in need,
- (b) may purchase or acquire land therefor, and
- (c) may operate and maintain a home for persons in need."

(2) Programs, Subsidies and Tax Incentives Aimed at Expanding Housing Construction to Meet the Needs of All Categories of the Population

The New Brunswick Housing Corporation is given the power in paragraphs 10(1)(f) and (g) of the New Brunswick Housing Act to:

"(f) advance to a person of low income a loan, subject to such terms and conditions as are prescribed in the regulations, for the purpose of assisting in the construction of suitable, safe and sanitary housing accommodation to be owned and occupied by the individual;

(g) advance to a person of low income a loan, subject to such terms and conditions as are prescribed in the regulations, for the purpose of assisting in the alteration of, or addition to a home owned and occupied by the individual to make it suitable, safe and sanitary;"

The Regulations under the Act specify that the maximum loan to any individual under paragraph 10(1)(f) shall be \$10,000 and under paragraph 10(1)(g) shall be \$7,500.

Provision is made under the Act to provide grants to first time occupants of a new home. The Corporation may, pursuant to paragraph 10(1)(g.2):

"make a grant to a person who purchases and occupies a residential premises, containing not more than two

residences, that has never been previously occupied by any person;"

The amount of this grant is \$500. The Act encourages any non-profit corporation to construct low-rental housing. The Corporation may, pursuant to paragraph 10(1)(i):

"make a contribution to a non-profit corporation to which a loan was granted under section 15 of the federal Act for the purpose of assisting

(i) the construction, purchase or improvement of a low-rental housing project,

(ii) the purchase of existing buildings and the land upon which they are situated and their conversion into a low-rental housing project, or

(iii) the conversion of existing buildings into a low-rental housing project,

and "non-profit corporation" means a corporation no part of the income of which is payable to or is otherwise available for the personal benefit of any proprietor, member or shareholder thereof."

The amount of the contributions under paragraph 10(1)(i) are 10% of the cost or \$1,000 per unit whichever is the lesser, or in the case of hostel or nursing beds accommodation, the maximum contribution is 10% of the cost or \$500 per bed, whichever is the lesser.

The New Brunswick Housing Corporation administers a Cooperative Housing program. This program is affiliated with Canada Mortgage and Housing Corporation. The Coop Program is designed to enable families to build and own their own homes. These are families who otherwise would have difficulty in arranging financing to undertake the building of a home. Six to ten families form a Coop group. During the winter months they attend courses offered by the Corporation. These courses cover a wide variety of topics necessary to the successful completion of the home including financial planning. Plumbing, electrical and other skilled aspects of building are contracted out but the individuals themselves do the bulk of the manual labour and are encouraged to help each other.

The Residential Property Tax Relief Act, R.S.N.B. 1973 c. R-10 administered by the Department of Municipal Affairs provides tax relief for the principal residence owned and occupied by the person in whose name the real property is assessed. The tax relief is the equivalent of the provincial tax or 1-1/2% of the assessed value.

A special exemption is made to women who are not supported by their husband and whose total annual income does not exceed \$7,000. This property is exempt up to \$6,000 of the assessed value.

(3) Safety Measures Against Earthquakes, Floods and Other Natural Hazards

The Department of Municipal Affairs has set up an Emergency Measures Organization. The Emergency Measures Act, S.N.B. 1978 c. E-7.1 outlines the functions of the Emergency Measures Organization in section 7:

"The Emergency Measures Organization may, subject to the approval of the Minister,

(a) review and approve, or require modification to Provincial and municipal emergency measures plans;

(b) make surveys and studies to identify and record actual and potential hazards which may cause an emergency or disaster;

(c) make surveys and studies of resources and facilities to provide information for the effective preparation of emergency measures plans;

(d) conduct public information programs related to the prevention and mitigation of damage by disaster;

(e) conduct training and training exercises for the effective implementation of emergency measures plans;

(f) procure food, clothing, medicines, equipment and goods of any nature or kind for the purposes of emergencies and disasters; and

(g) authorize or require the implementation of any emergency measures plan."

(4) Measures Taken to Solve the Special Problems of Housing, Water Supply and Sanitary Conditions in Rural Areas

Various programs are administered by the Department of the Environment that control or solve the problems of water supply and sanitary conditions in the rural areas.

Sewage collection and treatment is a project of the Sanitary Engineering Section. Regional sanitary landfill programs have been implemented. Recently a number of open dumps have been closed and converted to container sites.

The Water Resources Branch regulates the drilling of wells in the province and also carries out chemical analysis on water supplies.

The Department of the Environment has environmental inspectors to assist the public in respect to environmental concerns. The inspectors are located at regional offices throughout the province to enable them to respond quickly to complaints. Inspections are carried out on dumps, domestic water supplies and domestic wastes to assist the home owner in rural areas.

Provision is also made under the New Brunswick Housing Act, as previously mentioned, to provide low interest loans for home improvement including provision of water supply and sewage disposal.

Further measures to solve the special problems of housing, water supply and sanitary conditions in rural areas have been taken by the Department of Municipal Affairs.

The Department of Municipal Affairs and Canada Mortgage and Housing Corporation have signed an agreement entitled "Community Services Contribution Program". The agreement is for a two-year period commencing January 1, 1979, and includes a provision that a further five-year agreement commencing January 1, 1981 will be negotiated between the Government of Canada and the provincial government. The program makes available funding for domestic sewage treatment and collector projects as well as funds allocated for water and sewer systems.

(5) Measures Taken for the Protection of Tenants Such As Rent Control and Legal Guarantees

The Landlord and Tenant Act, R.S.N.B. 1973 C. L-1, really does more to protect the rights of the landlord than it does the tenant.

The New Brunswick Housing Act provides for a shelter allowance program for senior citizens in private rental accommodation. The Corporation may, pursuant to paragraph 10(1)(g.1):

"make a contribution to a senior citizen of low income to assist in the payment of rent on a self-contained residence occupied by that senior citizen;"

The amount of the contribution, payable monthly, under S10(1)(g.1) is set out in the Regulations in schedules I and II². The Regulations also specify that the residence must reasonably comply with the standards of the latest edition of the National Building Code of Canada.

2. See Schedule I at the end of this part of the report.

One weakness of the right to housing in New Brunswick is the absence of any specific law that requires housing be designed in such a way to make it accessible to the physically disabled.

The New Brunswick Human Rights Act, R.S.N.B. 1973 c. H-11, subsection 4(1) specifies:

"4(1) No person directly or indirectly, alone or with another, by himself or by the interposition of another, shall

(a) deny to any person or class of persons the right to occupy any commercial unit or dwelling unit, or

(b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any commercial unit or any dwelling unit,

because of race, colour, religion, national origin, ancestry, place of origin, age, physical disability, marital status or sex."

However, in the absence of a building code that specifies apartments and other dwelling units are to be designed in such a way as to be usable by all people, many disabled people are denied adequate housing because of physical barriers such as steps and narrow doors. Some cities have passed by-laws requiring buildings to be constructed in such a way as to be accessible to all people but the Province has not enacted any specific laws on accessibility.

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

A. The Department of Health administers the bulk of the laws in the province that are designed to promote and safeguard the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The Department is organized into four divisions consisting of two major operational divisions: Personal Health Services and Insured Services as well as two support divisions: Planning and Evaluation and Administration. The Personal Health Services Division comprises all health and community services which are provided or sponsored directly by staff of the Department.

The Public Health Services section has the broad objective to minimize health hazards to which people in the province are exposed; to prevent or reduce the occurrence of disease and disability; and to promote healthy personal habits in the population. Activities which are supervised by this section are: Maternal and Child Health Services; Communicable Disease Control Program; Public Health Nursing; Public Health Inspection; Home Care

Program; Nutrition Services; Occupational Therapy Program; Health Education; Radiation Protection; Tuberculosis Control and Nursing Homes.

Dental Health Services also come under the Personal Health Services Division. The primary objectives of Dental Health Services is to improve the oral hygiene and to lower both the prevalence and incidence of dental disease throughout the province.

Mental Health Services are provided through six Regional Centers. In addition to clinical work, Regional services include public education, assistance to schools in assessing behaviour or hearing problems, follow-up services to patients and co-ordination of the Foster Home Program. There are two psychiatric hospitals in the province and inpatient care is also available at four general hospitals.

The Alcoholism Program provides counselling services and field clinics in addition to maintaining and running detoxication and rehabilitation centers.

The Department of Health's Ambulance Services Program is essentially a grant program for the purchase of ambulance vehicles and equipment. It is also involved in areas of standards, training, radio communications and the organization of ambulance services. The Department of Health works closely with the Department of Municipal Affairs in encouraging municipalities and unincorporated areas to provide public funds for the operating costs of ambulance service and in jointly financing shared ambulance services.

The Insured Services Division is responsible for the financing, quality assurance and standards of the following insured services programs: Hospital Services; Medicare; Health Services; Prescription Drug and Laboratory Services. The insured services safeguard the right of everyone in the province to have access to health care services. Briefly, the Hospital Services Program assures the quality, availability and accessibility of hospital services for residents of the province consistent with the Hospital Services Act R.S.N.B. 1973, c. H-9 and the Public Hospitals Act R.S.N.B. 1973 c. P-23.

The Medicare Program provides for coverage of medically required services for the residents of the province consistent with the Hospital Services Act and the Health Services Act R.S.N.B. 1973, c. H-3.

The Health Services Program provides for supplementary health coverage to eligible welfare recipients who qualify under the Child and Family Services and Family Relations Act, S.N.B. 1980, c. C-2.1, Social Welfare Act, R.S.N.B. 1973, c. S-11 and recipients of blind and disabled persons allowances. This

program in effect provides services to the welfare recipients such as dental and optical, that are not otherwise covered under the medicare plan.

The Laboratory Services Program provides for laboratory and diagnostic services necessary in the provision of active and preventive medical care to the residents of the Province.

B. (1) Measures taken to Reduce the Stillbirth Rate and Infant Mortality

The 1978 report of the Canadian Institute of Child Health entitled "Prevention of Handicap" stated: "There has been no formal enquiry into the organization of reproductive care in New Brunswick. The perinatal mortality rate in 1974 was 20.6 (rate per 1,000 total births)". Although the perinatal mortality rate in 1974 was high, by 1978 there was a concentrated effort being made to reduce the mortality rate. Through the combined efforts of the provincial Department of Health and the New Brunswick Medical Society studies are being made and programs implemented which have already had the effect of reducing the excessively high perinatal mortality rate of 1974. In effect, between 1974 and 1978 the rate declined significantly and it further declined thereafter to reach the level of 12.7 per 1,000 total births in 1980.

The province is divided into six health regions and full-time neonatologists have been employed in three of the regions: one has been employed since 1972, the other two have been recently hired. The three neonatologists are located in regional hospitals in key areas, so in effect all residents of the Province have access to their services.

The Provincial Medical Society has set up a perinatal committee to review and improve the care given to pregnant patients and the newborn children. As part of its education program the Society has devised a form to be used by all doctors in the province when treating pregnant patients. The information on the form will help identify high risk patients and insure they are given special care. The three neonatologists visit other hospitals within their regions to assist in teaching and education programs.

In order to reduce the stillbirth rate and infant mortality a committee of the Medical Society is actively working and has stated its objectives:

1. To lower the present perinatal mortality and presumed associated morbidity to the levels already attainable in those provinces with regional care.
2. To assist recognition of individual problems in each hospital within the region, and to provide means of overcoming these problems.

3. To provide ready routes of referral of mothers and sick newborns to the perinatal centre as and when needed.
4. To provide adequate means of transportation for these referrals.
5. To institute facilities and care in the perinatal centre appropriate for the achievement of objectives 1 through 4.

The situation in New Brunswick has improved greatly in recent years. With the increased awareness and concerted efforts of the medical profession, we can be encouraged for the future.

(2) Measures taken for the Healthy Development of the Children

The Department of Health has an extensive program aimed at the healthy development of children. The program is administered by the Public Health Services Branch. The services provided by Public Health Nurses and Regional Medical Officers are divided as follows:

I. Pre-Natal Health Supervision

Activity:

1. Organized classes
2. Individual contacts
 - (a) Home
 - (b) School
 - (c) Child Health Conferences

Objectives:

1. To provide the information necessary to promote the best possible state of health for pregnant women and consequently the newborn child.
2. To provide for the necessary counselling, education and instruction re the process of pregnancy, preparation for child birth and the effects of post-natal period to expectant mothers and fathers.
3. To provide information on the care of the newborn.

Target Population:

Higher risk pregnant women i.e. primipara's, teenagers, older women, women with health problems, women from lower socio-economic groups.

II. Post-Natal Health Supervision

Activity:

A post-natal and neo-natal contact program to assess the health needs of mothers and infants within the first six weeks of delivery.

Objectives:

To promote the best possible state of health for new mothers and babies by:

1. Providing necessary information re infant and post-natal care i.e. nutrition, immunization, postpartum check-up, birth control information etc.
2. Providing a health appraisal of the newborn.
3. Providing health appraisal of postpartum mother.

Target Population:

1. First live births.
2. Mothers and or babies with health problems referred by the physician, hospital personnel and public health liaison nurse.
3. Contact to all mothers.

III. Child Health Conference

Activity:

An organized conference/clinic approach to provide immunization, health counselling, assessment of growth and development, detection of health problems and abnormalities for infants and young children.

Objectives:

To promote and maintain the best possible state of health for all pre-school children by counselling parents, referring problems and assuring follow-up.

Target Population:

All infants and children.

IV. Pre-School Clinics

Activity:

Program consisting of conference/clinic organized to assess the health and developmental status of the child before entering Grade I, to refer problem and information to necessary agencies and to plan further follow-up as a result of information obtained and referrals made. These programs are often done in conjunction with similar educational programs and may or may not be a joint effort.

Immunization may be included in the program.

Objective:

To promote the best possible state of total health for children entering school. Assuring that all pertinent problems are detected, treated and corrected, that parents and necessary agencies (i.e., school, physician) are made aware of such problems and that all necessary follow-up is done.

Target Population:

All children entering Grade I.

V. School Health Program

Activity:

A school visiting program which provides a nursing consultative service to the school for the promotion of health and prevention of disease. The program is based primarily on a teacher-nurse referral and consultation basis. The nursing activities involves special immunization and screening program, health appraisals and detection of problems, referrals to necessary agencies i.e., physician, contacting and counselling parents, and follow-up responsibilities. The nurse acts as a resource person for health education programs, and makes suggestions to promote a healthy school environment.

Objectives:

To promote the optimum level of health for all school children, thus allowing them to function at their best physically, emotionally and academically.

Target Population:

1. Students with known health related problems (social, emotional and physical).
2. Grade I students, including follow-up from pre-school clinics.

3. All referrals - (school, parent, self and other agency).
4. Students groups with common health interests and/or needs.
5. Selected students for screening and immunization as the need arises, i.e., T-B, Rubella, special survey projects.
6. All students involved in health education classes (nurse acts as resource person for teacher).

VI. Home Visiting

Activity:

Home visiting is a means of contacting individuals and families who are in need of health counselling, or supervision in order to improve their level of health and to develop a healthier life-style. This contact is used when a group or clinic approach is not feasible or effective. The program is often supplementary and a follow-up to other programs such as school visits and child health conferences or referrals from other agencies i.e., physicians or social services. Records and family folders are an integral part of this program.

Objective:

To promote optimum public health by educating and encouraging individuals and families to ultimately take responsibility for improving their own mental, physical and social well being.

Target Population:

Individuals and families identified as having a need for such public health nursing services by nursing records, referrals from other agencies and follow-up from other nursing programs.

VII. Nursing Care Program

Activity:

To provide physical nursing care and/or supervision, under the direction of a physician. The frequency of such scheduling is dependent upon the need and geographic location of the client and visits are made during regular working hours. Cases are reviewed every six months.

Objective:

To prevent further illness and to promote and maintain health by administering, teaching and supervising nursing care in the home or clinic setting. The ultimate goal is to teach the patient or family member to assume responsibility for the nursing care, when feasible.

Target Population:

All ages indicating specific health needs that establish their eligibility for the program.

(3) Measures Taken to Protect and Improve Environmental Hygiene and Prevent Air, Land and Water Pollution

The Department of the Environment has established a Pollution Control Branch. The primary role of the Pollution Control Branch is to monitor and control effluent discharges, air emissions, solid waste disposal, unsightly premises and other forms of pollution. The legislative responsibility of the Branch is contained in the Clean Environment Act, R.S.N.B. 1973, c. C-6, the Unsightly Premises Act, R.S.N.B. 1973, c. U-2 and the Beverage Containers Act, R.S.N.B. 1973, c. B 2-1.

The Clean Environment Act provides:

"6(1) When the Minister, upon reasonable and probable grounds is of the opinion that a source of contaminant, waterworks or sewage works is discharging, emitting, leaving, depositing or throwing into or upon the environment, or any part thereof, any contaminant or waste that constitutes, or the amount, concentration or level of which constitutes, alone or when combined with other contaminants or wastes present in the environment or part thereof, an immediate danger to

- (a) human life,
- (b) the health of any person,
- (c) fish, animal or plant life, or
- (d) property,

the Minister may issue a stop order directed to a person responsible for the source of contaminant waterworks or sewage works."

and

"5.1(1) Notwithstanding the Municipal Assistance Act, the Minister, with the approval of the Lieutenant-Governor in Council, may

(a) assist a municipality with any plan, works or undertaking for the control or prevention of contamination or for the establishment of any waterworks or sewage works;

(b) defray part of the cost of such a plan, works or undertaking;

(c) guarantee the repayment of any loan obtained by the municipality for such purposes; or

(d) pay all or part of the interest on any such loan."

and

"33(1) A person who violates any provision of this Act or the regulations is guilty of an offense and, on summary conviction, is liable

(a) in the case of an individual, to a fine not exceeding five hundred dollars, and in default of payment is liable to imprisonment in accordance with subsection 31(3) of the Summary convictions Act; and

(b) in the case of a corporation, to a fine not exceeding five thousand dollars."

and

"33(2) Where a violation of any provision of this Act or the regulations continues for more than one day, the offender is guilty of a separate offence for each day that the violation continues."

Air quality in New Brunswick varies considerably depending on the specific location concerned. In rural areas, pollutant concentrations are generally extremely low. The more heavily industrialized areas exhibit notable problems.

In an attempt to correct these problems a specific regulation governing asphalt plants was promulgated in November 1976. Inspection of these plants during 1978 showed that almost all met the requirements for 1978 and approximately two-thirds had already attained the standards required for 1980.

In 1977 the New Brunswick Pulp and Paper Industry Emission Regulation was proclaimed. Compliance schedules have been established with most pulp and paper companies. Early in 1979 one paper company in New Brunswick began the preliminary operation of a crossflow nucleator scrubber. This is the first installation of its kind in Canada, and should sharply reduce sulfur gases (TRS) and particulate emissions from the recovery boiler.

A joint effort by Environment New Brunswick and Environment Canada has been initiated to further understanding of air quality patterns in the Saint John region. The objective of this project is to develop two air pollutant dispersion models for the area. The first, a short-term model, will be used as an aid in determining the most efficient ways to alleviate air quality episodes several hours before their expected occurrence. The second model will be used to predict long-term (annual) averages of air quality, and will be useful for planning purposes. The final

format of both models will be influenced by meteorology, topography and source conditions. Both models will be suitable for adaptation to other areas of the province.

Also in 1979 a revised Air Quality Regulation was promulgated. This revision established ground-level air quality, standards for several pollutants, including sulfur dioxide, hydrogen sulphide, suspended particulate matter, nitrogen dioxide and carbon monoxide.

The Industrial Wastes Section of the Pollution Control Branch reported that some companies had made significant advances in water pollution abatement during 1979. Technical assistance was provided by the Section in relation to the clean-up of numerous industrial leaks, spills and train derailments.

Monitoring of discharges and treatment efficiency is undertaken at various locations throughout the province. The analysis of well water samples contaminated by petroleum products is a project of the Branch.

Municipal projects for sewage collections and treatment are a chief concern of the Sanitary Engineering Section. Staff of the Section evaluate and approve of sewage treatment proposals for subdivisions and private development.

The Water Resources Branch recognizing that water is essential to all forms of life, works to ensure that the water resources of the province are managed for the optimum benefit of all New Brunswickers.

The Water Well Regulation is administered by the Branch. Records on every well drilled are required as a permanent record for both the Province and the owners. Well drillers must be licensed.

A major responsibility of the Environmental Services Branch is to assess the present and future effect of man's activities on the New Brunswick environment. A regular monitoring of environmental quality indicators is carried out throughout the Province as well as in-depth analysis of environmental impacts associated with major development projects.

In addition to carrying out the above functions, the Environmental Services Branch also provides a full range of laboratory analysis and data storage services in support of the Department's overall activities.

(4) Treatment and Control of Epidemic, Endemic and Other Diseases

Under the Public Health Services Section of the Department of Health there is a Communicable Disease Control Program made up of

Public Health Inspection, Radiation Protection and Tuberculosis Control Program.

The Public Health Inspection Branch has a number of inspectors who inspect food service establishments, abattoirs and septic tank cleaners before licences are issued. The inspectors also inspect food products, take samples and do tests. Inspections are carried out on various health institutions.

The Department of Health as outlined in section (2) provides an extensive public health service. Part of this service includes the Child Health Conference which is a clinic approach to provide immunization. The School Health Program provides immunization on an individual basis when the need arises.

The Public Health Planning Committee of the Department of Health produces an Immunization Handbook. The purpose of the booklet is the presentation in a concise form, of immunization information and procedures for active and passive prevention of certain infectious diseases. This booklet is provided mainly for physicians and public health nurses. The booklet also consolidates in summary form immunization requirements for international travellers.

The Division of Communicable Disease Control lists the diseases reported in the province and takes measures to control and prevent further outbreaks. Vaccine is distributed from serum depots. For the year 1977-78 the following vaccine was distributed:

	<u>Units</u>	<u>1977-78</u>
Cholera Vaccine	ps	1,341
Diphtheria Toxoid	ps	192
Diphtheria - Tetanus	ml	11,740
D.P.T.	doses	55,817
Gamma Globulin	ml	4,930
Measles Vaccine	doses	2,743
Rubella Vaccine	doses	16,843
Measles - Rubella	doses	2,050
Oral Polio	doses	75,980
Polio Vaccine (Salk)	ml	592
T.A.B.T.	ml	1,872
Tine Test Antigen	tests	23,480
Typhoid (TAB)	ps	1,496
Smallpox Vaccine	ps	9,355
Influenza Vaccine	doses	3,525

Social hygiene clinics are held throughout the province. Tests are made for syphilis and gonorrhea and treatment provided.

Tuberculosis diagnostic clinics are held throughout the province. There are two hospitals in the province that provide treatment of

tuberculosis and continuation of drug treatment after discharge from hospital is recognized as a need for complete patient care.

The Occupational Safety Act, S.N.B. 1976 c. 0-0.1 is designed to promote the safety and health of workers in the province. The Act is administered by the Minister of Labour and Manpower. The main provisions of the Act concerning safety are found in sections 3, 4 and 5, as follows:

"3(1) The Crown is bound by this Act.

3(2) Subject to subsection (3), this Act and the regulations apply to and shall be observed in every place of employment in the Province.

3(3) This Act does not apply to

(a) a place of employment to which the Mining Act applies,

(b) private homes, and

(c) any place of employment exempted by regulation.

4. The Lieutenant-Governor in Council may appoint occupational safety officers for the purpose of carrying out the provisions of this Act and the regulations, and shall appoint one of such officers as the Chief Safety Officer.

5(1) Every contractor shall comply with this Act, the regulations or an order.

5(2) Every contractor shall, for every project site for which he is the contractor, take every reasonable precaution to ensure the health and safety

(a) of any person having access to such project site, and

(b) of any person in any area outside such project site that may be affected by any operation or work in the project site."

The same provisions apply to subcontractors and employers.

In section 13 of the Act provision is made for an employee to undergo medical examination by order of the Minister, for the purpose of determining whether or not the employee is affected with an industrial disease.

Section 15 of the Act sets out the duties of the occupational safety officer:

"15(1) For the purpose of carrying out the provisions of this Act or the regulations an officer may at any time,

(a) enter upon and examine any place that he believes to be a place of employment;

(b) make such examination and inquiries as he considers necessary for the purpose of ascertaining whether the provisions of this Act and the regulations are being complied with; and

(c) make such investigation as he considers necessary into the cause and particulars of any accident occurring in a place of employment and in conducting such investigation, the officer may examine any person whom he believes to have knowledge of the accident.

15(2) Where an officer is of the opinion that unsafe working conditions exist in a place of employment or where there is a source of danger to the health or safety of persons employed therein, having access thereto or in any area outside the place of employment that may be affected by any operation or work in the place of employment, he may give to the contractor, subcontractor, employer or employee such order in within such time as specified in the order to do any or all of the following:

(a) to suspend all work, or any portion of the work contributing to the source of danger;

(b) to take measures for guarding the source of danger;

(c) to take measures to protect the health or safety of any person against dangers therefrom; and

(d) to take such measures as the officer considers necessary to ensure compliance with this Act and the regulations.

15(3) Where an officer is of the opinion that any machinery or equipment does not comply with this Act or the regulations, the officer

(a) shall give a notice in writing to the contractor, owner or lessee of the piece of machinery or equipment, that such machinery or equipment does not comply with this Act and the regulations, and

(b) shall take any measure as prescribed by regulation that prevents the unauthorized operation

or use of such machinery or equipment. Am. (a), 1977, c.36, s.1.

15(4) No person shall use or operate any machinery or equipment that pursuant to subsection (3) is unauthorized for use or operation.

15(5) Notwithstanding subsection (6), any order given by an officer under subsection (2) takes effect in accordance with the terms specified therein and continues in force until, in the opinion of the officer, the order has been complied with.

15(6) A contractor, subcontractor, employer or employee named in any order given by an officer under subsection (2) may appeal that order by application to the Chief Safety Officer, who in his absolute discretion may uphold, vary, revoke or suspend the order appealed from."

(5) Specific Measures to Assure all Age Groups Adequate Health Services

The Medicare Program provides for coverage of medically required services. These services were outlined in detail in the report on Article 9. The details of the Program as focused on children was outlined in section 2 of this report. Programs specifically designed for senior citizens are available through the Department of Health and the Department of Social Services.

The goal of the Senior Citizens Program under Social Services is to make them aware of the kind of services available to them. Through the cooperation of the Red Cross a friendly visiting program has been set up.

The St. John Ambulance Society is active in the province and provides first aid and ambulance service to people in rural areas.

(6) Arrangements for the Provision of Medical Care

Again as outlined in full detail in the report on Article 9 the Medicare Program provides medical coverage to everyone in the province. A health care plan for the province has been established in conjunction with the federal Medicare Act. The individual can take out more extensive coverage by purchasing health insurance under a number of private funds or the Blue Cross and Blue Shield programs.

C. Statistics on Infant Mortality, Number of Doctors per Inhabitants, Number of Hospitals and Hospital Beds

Statistics on these subjects are provided below.

1. Infant* Mortality Rates (per 1,000 live births)

	<u>Male</u>	<u>Female</u>	<u>Average Total</u>
1975	19.1	12.0	15.5
1976	15.1	11.2	13.2
1977	14.7	11.9	13.4
1978	12.7	10.9	11.8
1979	12.1	10.7	11.4
1980	11.7	10.1	10.9

* birth to 1 year

2. Physician Supply (fee-for-service physicians - excludes about 150 salaried physicians)

	<u>#</u>	<u>Ratio</u>
1977	657	1:1041 pop'n
1978	673	1:1026 "
1979	703	1:992 "

3. Hospitals

33 general hospitals - 4260 beds
 2 specialty hospitals - 153 beds (rehabilitation)
 2 psychiatric hospitals - 991 beds

4. Health Service Centers (small communities) - 13

5. Nursing Homes

60 homes - 3500 beds

6. Department of Health Programs

- Hospital Services
- Laboratory Services
- Medicare
- Ambulance Services (grants for vehicles, equipment and training)
- Health Services Program (special benefits for social assistance and child welfare cases)
- Prescription Drug Program (those aged 65+ and those with cystic fibrosis)
- Public Health Services (maternal and child health, home care, public health nursing, public health inspection, nutrition services, health education, home renal dialysis, physiotherapy services, radiation protection)
- Mental Health Services
- Dental Health Services (primarily children)
- Nursing Home Services
- Vital Statistics

SCHEDULE I

Amount of Provincial Assistance Available for Various Combinations of Rent and Income

Rental Supplement Assistance for Single Elderly Persons

Monthly Income Level	Rent Level Per Month				
	<u>\$100</u>	<u>\$120</u>	<u>\$140.</u>	<u>\$160.</u>	<u>\$175 & over</u>
\$250	\$19.00	\$34.00	\$49.00	\$64.00	\$75.00
\$260	\$17.00	\$32.00	\$47.00	\$62.00	\$73.00
\$270	\$14.00	\$29.00	\$44.00	\$59.00	\$71.00
\$280	\$12.00	\$27.00	\$42.00	\$57.00	\$68.00
\$290	\$10.00	\$25.00	\$40.00	\$55.00	\$66.00
\$300	\$ 5.00	\$19.00	\$33.00	\$47.00	\$58.00
\$310	\$ 3.00	\$17.00	\$31.00	\$45.00	\$55.00
\$320		\$15.00	\$29.00	\$43.00	\$53.00
\$330		\$13.00	\$27.00	\$41.00	\$51.00
\$340		\$ 7.00	\$20.00	\$33.00	\$43.00
\$350		\$ 5.00	\$18.00	\$31.00	\$41.00
\$360		\$ 3.00	\$16.00	\$29.00	\$39.00
\$370		\$ 1.00	\$14.00	\$27.00	\$37.00
\$380			\$ 9.00	\$21.00	\$30.00
\$390			\$ 7.00	\$19.00	\$28.00
\$400			\$ 5.00	\$17.00	\$25.00
\$410			\$ 3.00	\$15.00	\$24.00
\$420				\$10.00	\$18.00
\$430				\$ 8.00	\$16.00
\$440				\$ 6.00	\$14.00
\$450				\$ 4.00	\$12.00
\$460					\$ 7.00
\$470					\$ 6.00
\$480					\$ 4.00
\$490					\$ 2.00
\$500					

Rental Assistance for Elderly Couples

Monthly Income Level	Rent Level Per Month					
	<u>\$100</u>	<u>\$120</u>	<u>\$140</u>	<u>\$160</u>	<u>\$180</u>	<u>\$200 +</u>
\$250	\$19.00	\$34.00	\$49.00	\$64.00	\$79.00	\$94.00
\$260	\$17.00	\$32.00	\$47.00	\$62.00	\$77.00	\$92.00
\$270	\$14.00	\$29.00	\$44.00	\$59.00	\$74.00	\$89.00
\$280	\$12.00	\$27.00	\$42.00	\$57.00	\$72.00	\$87.00
\$290	\$10.00	\$25.00	\$40.00	\$55.00	\$70.00	\$85.00
\$300	\$ 5.00	\$19.00	\$33.00	\$47.00	\$61.00	\$75.00
\$310	\$ 3.00	\$17.00	\$31.00	\$45.00	\$59.00	\$73.00
\$320		\$15.00	\$29.00	\$43.00	\$57.00	\$71.00
\$330		\$13.00	\$27.00	\$41.00	\$55.00	\$69.00
\$340		\$ 7.00	\$20.00	\$33.00	\$46.00	\$59.00
\$350		\$ 5.00	\$18.00	\$31.00	\$44.00	\$57.00
\$360		\$ 3.00	\$16.00	\$29.00	\$42.00	\$55.00
\$370		\$ 1.00	\$14.00	\$27.00	\$40.00	\$53.00
\$380			\$ 9.00	\$21.00	\$33.00	\$45.00
\$390			\$ 7.00	\$19.00	\$31.00	\$43.00
\$400			\$ 5.00	\$17.00	\$29.00	\$41.00
\$410			\$ 3.00	\$15.00	\$27.00	\$39.00
\$420				\$10.00	\$20.00	\$31.00
\$430				\$ 8.00	\$18.00	\$30.00
\$440				\$ 6.00	\$17.00	\$28.00
\$450				\$ 4.00	\$15.00	\$26.00
\$460					\$10.00	\$20.00
\$470					\$ 8.00	\$18.00
\$480					\$ 6.00	\$16.00
\$490					\$ 5.00	\$15.00
\$500					\$ 3.00	\$13.00
\$510					\$ 1.00	\$11.00
\$520						\$ 9.00
\$530						\$ 8.00
\$540						\$ 6.00
\$550						\$ 4.00
\$560						\$ 2.00
\$570						\$ 1.00
\$580						

6. NOVA SCOTIA¹

INTRODUCTION

The Province of Nova Scotia guarantees by its laws and enforces by various programs most of the provisions of articles 10 to 12 of the International Covenant on Economic, Social and Cultural Rights. This report will account for the main laws and regulations pertinent to the subject matter of these articles as well as for programs and mechanisms put in place for their delivery and enforcement. The report will follow the General Guidelines submitted by the Secretary-General of the United Nations, the headings of those guidelines serving as headings for the various sections.

Remarks on articles 1 to 5

- (1) The right of peoples to self-determination, as recognized in Article 1 of the Covenant;

The Province of Nova Scotia agrees with the principle of this article.

- (2) Measures taken to guarantee the exercise of the rights covered by articles 10-12 without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 2(2));

Protection against discrimination is provided by the Human Rights Act, S.N.S. 1969, c. 11², which is the main statute pertaining to human rights in Nova Scotia. The preamble to the Act recognizes the inherent dignity and the equal and inalienable rights of all members of the human family. Recalling the Charter of the United Nations and the Universal Declaration of Human Rights, it affirms "the principle that every person is free and equal in dignity and rights without regard to race, religion, religious creed, colour, sex, physical handicap, ethnic or national origin".

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1. Report prepared by the Department of the Secretary of State in consultation with the Government of Nova Scotia.
 2. In this report reference will be made to the Revised Statutes of Nova Scotia 1967 (R.S.N.S. 1967) for the laws adopted before 1967, and to the Statutes of Nova Scotia (S.N.S.) for the legislation adopted since 1967. For accuracy on the present form of each statute, amendments should be examined. The Province of Nova Scotia also provides a continuing consolidation service.

The preamble to the Act further states that:

"the government, all public agencies and all persons in the Province have the responsibility to ensure that every individual in Nova Scotia is afforded an equal opportunity to enjoy a full and productive life and that failure to provide equality of opportunity threatens the status of all persons."

Section 3 of the Act declares that:

"Every individual and every class of individuals has the right

- (a) to obtain admission to and enjoyment of accommodations, services and facilities customarily provided to members of the public;
- (b) to acquire and hold any interest in property;
- (c) to opportunities available for employment; and
- (d) to full membership privileges in any employees' organization, employers' organization, professional association or business or trade associations,

regardless of the race, religion, creed, colour or ethnic or national origin of the individual or class of individuals."

The Act prohibits discrimination in the areas covered by subsections (a), (b), (c) and (d) of the above section on the basis of race, religion, creed, colour, ethnic or national origin, sex, physical handicap and, in the area of employment, on the basis of age (between 40 and 65 years of age) and marital status.

The Act also establishes a procedure whereby individuals who believe their rights under the Act have been violated can seek redress. The Human Rights Commission of Nova Scotia is empowered to receive or initiate complaints with regard to alleged violations of the Human Rights Act. If the Commission is unable to settle the dispute satisfactorily, the minister responsible for the Act may appoint a Board of Inquiry. Under section 26 (A) of the Act, the Board may order any party who has contravened this Act to do any act or thing that constitutes full compliance with the Act and to rectify any injury caused to any person or class of persons or to make compensation therefor. Any person who does anything prohibited by the Act or refuses to comply with any order made under the Act is guilty of an offence and liable on summary conviction to the imposition of a fine (section 29).

Under section 19 of the Act, the Human Rights Commission may approve programs of government, private organizations or persons

designed to promote the welfare of any class of individuals. Any such approved program shall be deemed not to be a violation of the prohibitions of the Act. There has been extensive development of such programs both in the public and in the private sector. In the public sector programs have been developed by the Civil Service Commission. In the private sector, as of the end of 1981, 24 agreements had been signed between major private enterprises and the Human Rights Commission. These agreements take the form of memorandum of understanding and action plans with goals, target dates and time tables. These agreements are geared to minority groups, women and physically handicapped people.

- (3) To what extent non-nationals are guaranteed the rights dealt with in Articles 10-12;

Non-nationals who are permanent residents in Nova Scotia enjoy the same rights as nationals with regard to these articles. In addition, as mentioned before, the Human Rights Act prohibits discrimination in the area of employment, accommodation, purchase of property, housing, services and facilities to which the members of the public have access, on the basis of national origin, among other things.

- (4) Measures taken under Article 3 of the Covenant to ensure the equal rights of men and women to the enjoyment of the rights set forth in Articles 10-12;

Many measures were taken during recent years to ensure the equal rights of men and women including many aspects of the rights covered by Articles 10-12.

The Human Rights Act prohibits discrimination on the basis of sex in the areas of activity that it covers.

Further information on this subject will be provided in the report particularly under Article 10.

- (5) Limitations which may have been imposed upon the exercise of the rights set forth in articles 10-12, the reasons therefor, and safeguards against abuses in this regard, with copies of the relevant laws, regulations and court decisions (Articles 4 and 5).

In general there are no limitations imposed upon the exercise of the rights set forth in articles 10-12. Limitations that may be imposed appear to be in conformity with the terms of the Covenant. Such limitations will be accounted for under the pertinent sections. Safeguards against abuses in such cases exist through recourses to courts of law or administrative tribunals created under specific legislation, such as boards of inquiry created under the Human Rights Act, the Labour Standards

Tribunal established under the Labour Standards Code, and the Workers' Compensation Appeal Board established under the Workers' Compensation Act.

Other recourse procedures exist under the Ombudsman Act and the Freedom of Information Act. The Ombudsman, whose function is created under the Ombudsman Act, S.N.S. 1970-71, c. 3, can investigate, on behalf of an aggrieved person, the administration of provincial or municipal laws by a provincial department or a municipality. The Ombudsman cannot impose a redress of the grievance but can make recommendations to the proper authorities for that purpose.

Under the Freedom of Information Act, S.N.S. 1977, c. 10, protection is provided with regard to personal information contained in government files. Under the Act, a person has the right of access to such information, to have it corrected and to request that the information contained in the file not be use or made available for any purpose other than the purpose for which it was provided without his consent.

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

- (1) Principal laws, administrative regulations and collective agreements designed to promote protection of the family, and relevant court decisions, if any;

The principal laws dealing with the protection of the family, which will be reviewed under headings (2), (3) and (4) below, are:

the Solemnization of Marriage Act, R.S.N.S. 1967, c. 287;
the Married Women's Deeds Act, R.S.N.S. 1967, c. 175;
the Married Women's Property Act, R.S.N.S. 1967, c. 176;
the Matrimonial Property Act, S.N.S. 1980, c. 9;
the Family Maintenance Act, S.N.S. 1980, c. 6;
the Settlement Act, S.N.S. 1970, c. 15;
the Social Assistance Act, S.N.S. 1980, c. 16;
the Family Benefits Act, S.N.S. 1977, c. 8; and
the Day Care Act, S.N.S. 1978, c. 6.

It should also be mentioned that the House of Assembly of Nova Scotia has enacted the Family Court Act, R.S.N.S. 1967, c. 98, which empowers the Lieutenant Governor in Council to establish family courts to adjudicate various matters concerning the family. Among other things, the Act provides protection to the interested parties against publicity in proceedings in a family court and it restricts entrance into the place in which proceedings take place to the parties to the proceedings.

- (2) Guarantees of the right of men and women to enter into marriage with their full and free consent and to establish a family; measures taken to abolish such customs, ancient laws and practices which may affect the freedom of choice of a spouse;

Under the Solemnization of Marriage Act, R.S.N.S. 1967, c. 287, parties intending to marry must obtain a license to that effect and must, with limited exceptions, provide three days' notice of their intention. Persons under 21 years of age must obtain consent from their parents, guardian or ward. No person under 16 can be married except as authorized by the Court. Under common law in Canada a marriage entered into without the free consent of both parties is either void or voidable, depending on the particular circumstances.

Nova Scotia's legislation increasingly recognizes both spouses as equal in the marriage.

Such recognition had been granted to a certain extent by the enactment of the Married Women's Deeds Act, R.S.N.S. 1967, c. 175 and the Married Women's Property Act, R.S.N.S. 1967, c. 176, which stated that married women could hold and deal with real and personal property as if they were not married.

Recent legislation, however, went further in the recognition of the equal rights and responsibilities of both partners in a marriage.

The Matrimonial Property Act, S.N.S. 1980, c. 9, was adopted to reform the law respecting the property of married persons. It states in its preamble that "it is desirable to encourage and strengthen the role of the family in society" and that "for that purpose it is necessary to recognize the contribution made to a marriage by each spouse".

The preamble goes on to say that "in support of such recognition it is necessary to provide in law for the orderly and equitable settlement of the affairs of the spouses upon the termination of a marriage relationship"; that "it is necessary to provide for mutual obligations in family relationships including the responsibility of parents for their children"; and that "it is desirable to recognize that child care, household management and financial support are the joint responsibilities of the spouses and that there is a joint contribution by the spouses, financial and otherwise, that entitles each spouse equally to the matrimonial assets".

Section 6 of the Act provides that a spouse is equally entitled to any right of possession of the other spouse in a matrimonial home. Section 8 provides that neither spouse shall dispose of or encumber any interest in a matrimonial home unless: the other spouse consents by signature; or has released all rights to the

home by a separation agreement or marriage contract; or the disposition or encumbrance is authorized by court order; or the property is not designated as a matrimonial home and an instrument designating another property as a matrimonial home of the spouses is registered and not cancelled.

The Act provides that, upon termination of the marriage relationship, either spouse is entitled to apply to the Supreme Court of Nova Scotia to have the matrimonial assets divided in equal shares, notwithstanding the ownership of these assets (section 12). The Court may order such a division. However, in doing so the Court may make a division that is not equal or may make a division of property that is not a matrimonial asset when it is satisfied that the division of matrimonial assets in equal shares would be unfair or unconscionable taking various factors into account (section 13).

Section 18 of the Act provides that, where one spouse has contributed work, money or money's worth in respect of the acquisition, management, maintenance, operation or improvement of a business asset with the other spouse, the contributing spouse may apply to the Court and the Court shall by order direct the other spouse to pay such an amount on such terms and conditions as the Court orders to compensate the contributing spouse thereof; or reward a share of the interest of the other spouse in the business asset to the contributing spouse in accordance with the contribution, and the Court shall determine and assess the contribution without regard to the relationship of husband and wife or the fact that the acts constituting the contribution are those of a reasonable spouse of that sex in the circumstances.

The Family Maintenance Act, S.N.S. 1980. c. 6, provides for the maintenance of each other by both spouses and for the maintenance of the children by their parents and vice versa. The Act also specifies that both the father and mother of the child are joint guardians and are equally entitled to the care and custody of the child unless otherwise provided by the Guardianship Act or ordered by a Court. In any proceeding under the Act concerning care and custody or access and visiting privileges in relation to a child, the Court must apply the principle that the welfare of the child is the paramount consideration.

The definition of a spouse under the Act includes a man and a woman who, not being married to each other, have lived together as husband and wife for one year.

This Act replaced various other "maintenance" pieces of legislation enacted earlier.

In 1981, the Settlement Act, S.N.S. 1970, c. 15, was amended and the provisions making the settlement of a married woman the same as the settlement of her husband were repealed. A married woman now has a settlement in her own right.

- (3) Measures to facilitate the establishment of a family such as subsidies or installation grants, provision of housing and other benefits;

Measures in favour of the family in general, such as those described under heading (4) below or under the section on housing, contribute a great deal, although indirectly, to the establishment of families.

In addition, various counselling and information programs, such as marriage counselling and family planning are offered by governmental services and by private organizations such as the Planned Parenthood associations which receive funding for their educational programs.

- (4) Measures aimed at maintaining, strengthening and protecting the family, such as family allowances, tax-exemption facilities, child care institutions, etc.

Various measures contribute to assist families in need. The Social Assistance Act, S.N.S. 1970, c. 16, provides financial assistance to individuals or families who become in need, generally on a temporary basis. The Family Benefits Act, S.N.S. 1977, c. 8, provides assistance when the cause of need has become or is likely to be of a prolonged nature.

The Department of Social Services and various agencies including children's aid societies provide counselling to help families solve their difficulties.

The Day Care Act, S.N.S. 1978, c. 6, provides for the licensing, inspection, and the making of regulations respecting, among other things, fees, standards of programs and qualifications of staff of child care facilities. The Act authorizes the establishment of such facilities by municipalities, and their financing through public funds.

In 1981, there were approximately 300 day care facilities in Nova Scotia. Some 50 of them were subsidized by the province. Most clients are children whose both parents are working. The Pre-School Education Association of Nova Scotia provides training courses for people employed or to be employed in day care facilities.

As explained in the federal part of this report, family allowances and tax-exemption facilities are provided through federal legislation and programs.

B. Maternity protection

- (1) Principal laws, administrative regulations and collective agreements governing the various aspects of maternity protection and relevant court decisions, if any;

The principal laws offering maternity protection are: the Health Services and Insurance Act, S.N.S. 1973, c. 8; the Labour Standards Code, S.N.S. 1972, c. 10; the Civil Service Act, S.N.S. 1980, c. 3; the Matrimonial Property Act, S.N.S. 1980, c. 9; and the Family Benefits Act, S.N.S. 1977, c. 8.

- (2) Pre-natal and post-natal protection and assistance, including appropriate medical and health care and maternity and other benefits irrespective of marital status;

Free pre-natal courses are offered to all prospective mothers residing in the province; prospective fathers are encouraged to attend. Where the demand exists special courses are provided for unmarried women. The Department of Health encourages participation in pre-natal courses and where possible visits dropouts to give them information and assistance. As of 1980, participation was about 45%. Free literature is supplied on nutrition and breast-feeding.

The Health Services and Insurance Act provides prepaid coverage for all necessary hospital and medical care, including obstetrical care, irrespective of marital status.

Post-natal care is available from practitioners without charge. In addition every new born child is visited in the home at least once by a public health nurse. Cases which appear to be having problems get further visits. Further advice is provided at public health clinics where mothers are encouraged (by personal physicians) to bring infants for immunization.

- (3) Special protection and assistance accorded to working mothers including paid leave or leave with social security benefits and guarantees against dismissal during a reasonable period before and after child birth;

In addition to child care assistance which is available to help them, working mothers can generally obtain maternity leave on occasion of the birth of a child.

The Labour Standards Code provides that an employer cannot terminate the employment of an employee who has been in his employ for one year or longer because of her pregnancy. The Code provides for maternity leave of 17 weeks for employees who have been in an employer's employ for one year or longer and who provide a medical certificate specifying the estimated date of delivery. An employee is entitled to resume work with no loss of seniority or benefits accrued to her at the commencement of the maternity leave.

By virtue of the Regulations made under the Code, domestic servants in a private home, and qualified practitioners or students while engaged in training in architecture, dentistry,

law, medicine, chiropody, optometry, pharmacy, professional engineering, psychology, surveying, and veterinary science are exempted from application of the Code.

Teachers are not covered by the provisions of the Code. However, by virtue of the master agreement passed between the Minister of Education of the Province of Nova Scotia and the Nova Scotia Teachers' Union, members of the Union can request and receive up to 17 weeks leave of absence for maternity with or without pay. The provisions for paid maternity leave are contained in the collective agreements passed between the Nova Scotia Teachers Union and the various local school boards, by virtue of the Teachers Collective Bargaining Act, agreements which generally contain clauses permitting full-time or part-time female teachers to use a number of days of their accumulated sick leave varying from agreement to agreement but usually totalling between 40 and 60, for each pregnancy.

Regulations made pursuant to the Civil Service Act provide for maternity leave without pay for employees of the provincial government with at least one year of service. This leave consists of a maximum period of 18 weeks which may commence 11 weeks before the expected delivery date or earlier if the employee's work is materially affected. A minimum of seven weeks leave must be taken after delivery unless a medical certificate certifies that the employee may return sooner. The employee is entitled to resume work in the same position held prior to the commencement of the leave.

As explained in the federal part of this report maternity benefits are provided in the form of unemployment insurance by the Government of Canada.

Under the Labour Standards Code, leave is also provided for the adoption of a child five years of age or under. This consists of a leave of absence for the week in which the adopted child comes into full care of the employee, and up to four additional weeks as the employee requests.

Section 51 (2) of the Regulations under the Civil Service Act, protects the right of a female civil servant who has been employed for at least one year against discharged because of pregnancy or because of absence from work on the adoption of a child five years of age or younger.

- (4) Specific measures, if any, in favour of working mothers who are self-employed or participating in a family enterprise, especially in agriculture or in small crafts and trades, including adequate guarantees against loss of income;

The Matrimonial Property Act offers protection to a spouse who is participating in a family enterprise. Section 18 of the Act states the following:

"Where one spouse has contributed work, money or money's worth in respect of the acquisition, management, maintenance, operation or improvement of a business asset of the other spouse, the contributing spouse may apply to the court and the court shall by order

- (a) direct the other spouse to pay such an amount on such terms and conditions as the court orders to compensate the contributing spouse therefore; or
- (b) award a share of the interest of the other spouse in the business asset to the contributing spouse in accordance with the contribution,

and the court shall determine and assess the contribution without regard to the relationship of husband and wife or the fact that the acts constituting the contribution are those of a reasonable spouse of that sex in the circumstances."

- (5) Specific measures designed to assist mothers to maintain their children in the case of their husbands' death or absence.

The main provisions designed to assist mothers to maintain their children in the case of the husbands' death or absence are contained in the Family Benefits Act which states in subsection 5(3):

"Subject to this Act and the regulations, a woman with a dependent child is eligible to apply for family benefits for a family in need on her own behalf and on behalf of a dependent child if

- (a) she is a widow; or
- (b) she no longer cohabits with her husband and he does not provide her with the monetary requirements for regularly recurring needs; or
- (c) her husband is a patient in a sanitorium, hospital or similar institution; or
- (d) her husband is imprisoned in a penitentiary to which the Penitentiary Act (Canada) applies; or
- (e) she is divorced and has not remarried."

Subsection 5(4) of the Act further provides that a mother whose dependent child was born out of wedlock is eligible to apply for benefits on her own behalf and on behalf of her dependent child if she is not married, and has attained the age of 16 years.

Other measures of assistance can be found in various pieces of legislation such as the Family Maintenance Act, S.N.S. 1980, c. 6, which provides that a court may order one spouse to pay maintenance to the other (section 3), and the Workers' Compensation Act, R.S.N.S. 1967, c. 343, which provides for a lump sum payment and monthly payments to be made to a widow and additional payments for each child under the age of 18 years, in case of death of her husband as a result of a work accident (section 55).

C. Protection of children and young persons

- (1) Principal laws, administrative regulations and other measures including collective agreements and court decisions, if any, aimed at protecting and assisting all children and young persons, in order to give them opportunities and facilities for their healthy physical and psychosocial development without distinction and discrimination on account of birth, parentage, social origin or other conditions;

Nova Scotia's legislation respecting children and young persons include the health laws which will be reviewed later in this report under article 12, the education laws which will be reviewed in the next report (articles 13 to 15 of the Covenant), the Children's Services Act, which is the main statute dealing with various aspects of the protection of children, and such other acts as the Day Care Act, S.N.S. 1978, c. 6, which regulates the activities of child care facilities providing services pertinent to a child's physical, social, emotional and intellectual development apart from the child's parents or guardians, the Family Maintenance Act, S.N.S. 1980, c. 6, which makes it a legal duty for the parents or guardians of a child that is under the age of majority to provide reasonable needs for the child (section 8), the Social Assistance Act, S.N.S. 1970, c. 16, and the Family Benefits Act, S.N.S. 1977, c. 8, both of which provide for public assistance to parents in need for the maintenance of their children, the Infant's Custody Act, R.S.N.S. 1967, c. 145, which provides that, upon application by the mother or the father of an infant, the Supreme Court of Nova Scotia may decide which parent will have the custody of the infant and make an order for the maintenance of the infant by the parent thereof (sections 1 and 3), and the Labour Standards Code which contains provisions dealing with the employment of children, provisions which will be reviewed under headings (4) and (5) below.

In dealing with matters affecting children the legislation generally stresses that the interest of the child should be given priority. The Children's Services Act, S.N.S. 1976, c. 8, for example, states that in an action taken under this Act the court (Family Court) shall apply the principle that the welfare of the child is the paramount consideration (section 76). Similarly, in

making an order as to which parent should have custody of an infant, the Infant's Custody Act, R.S.N.S. 1967, c. 145, states that the Court or judge shall have regard to the welfare of the infant.

The Children's Services Act provides for the creation of "children's aid societies" or "family and children's services" to perform services, with financial help from municipalities. Under section 89 of the Act, such societies must have among their objectives the provision of help for those children within the family whose parents are unable to care for them and, where necessary, the provision of suitable alternate care for those children whose parents fail to provide the basic needs of their children, or who violate their children's basic rights, or who abuse their children or who evade their parental responsibility with respect to their children.

- (2) Special measures for the care and education of children, separated from their mothers or deprived of a family; physically, mentally, or socially handicapped children; and delinquent minors;

The Children's Services Act, S.N.S. 1876, c. 8, deals with a number of measures for children in need of special care including the placement of children of parents who cannot meet their needs, the adoption of children, the care of mentally retarded children, and special protection services for juvenile offenders. The Act applies to boys and girls who are under 16 years of age, except in cases specifically mentioned.

Child caring services and child caring facilities

Sections 3 to 7 of the Act regulate the delivery of child care services and the placement of children in child caring facilities. Subsection 4(2) provides that such services and facilities must be approved or licensed by the Minister of Social Services, while section 5 provides for their inspection and the examination of their records. Section 3 states that the Minister shall provide to a child appropriate services or placement where it appears that there is no parent willing to assume responsibility for the child, or that a child in care of an agency requires child care services or placement in a child caring facility. The Act also authorizes the Minister to provide the same services or placement to a person 16 years of age or older but under the age of 21 years.

Under the Act, "child care services" means

- (i) assessment, counselling, referral, child protection and child placing services,
- (ii) voluntary care, homemaker, day-care and similar services,

(iii) consulting, research and evaluation services with respect to child care services, and

(iv) such other child care services as the Minister may from time to time approve or license as child care services;

and "child caring facility" means

(i) a foster home,

(ii) a licensed boarding home for a child under sixteen years,

(iii) a group home,

(iv) a place of safety,

(v) a residential centre,

(vi) a receiving home,

(vii) a training centre,

(viii) a training school, or

(ix) such other facility as the Minister may approve or license as a child caring facility.

Voluntary placement by parents

Section 8 of the Act provides that any parent or guardian who through special circumstances of a temporary nature is unable to make adequate provision for his child, or who is unable to provide the services required for his child because of the needs of the child, may enter into an agreement with an agency to have the child placed under the supervision or care of the agency for the purpose of providing the services required to meet the needs of the child. The term of such an agreement, however, must not exceed one year.

Adoption of children

The Children's Services Act regulates the orderly adoption of children.

Any person of the age of majority may adopt another person younger than himself or herself (subsection 13(1)).

Where the person proposed to be adopted is 12 years of age or older and of sound mind, the written consent of that person is required (subsection 16(1)). Written consent is required from the parents when the person proposed to be adopted is under the age of majority (subsection 16(3)); parents' consent is not

required, however, if the person had been placed in care of an agency or of the Minister of Social Services by order of a judge of the Family Court, or if the parent had already given up the child to a child placing agency, for the purpose of adoption as provided for in section 10. In these cases, however, the consent of the agency or the Minister is required (subsections 16(4)-(6)). The court may dispense with consent in some exceptional situations (section 17).

Paragraph 19(1)(a) of the Act provides that, where the person sought to be adopted is under the age of 16 years, the court shall not make an order for his adoption unless the child has for a period of not less than six months immediately prior to the application, lived with the applicant under conditions that justify the making of an order. The Minister of Social Services, however, may shorten the length of that period (subsection 19(2)).

Subsection 14(3) of the Act prohibits the giving or receiving of any payment or reward in consideration of the placement for adoption of a child or to procure a child for the purpose of adoption. Such an offence would be punishable by a fine of not more than two thousand dollars or to imprisonment for not more than one year, or both.

Appeals from an adoption order can be made within one year of the order (sections 25 and 26).

Section 22 of the Act states that, for all purposes, upon the adoption order being made, the person adopted becomes the child of the adopting parent, and vice versa, as if the person adopted had been born in lawful wedlock to the adopting parent, and that the person adopted ceases to be the child of the person who was his parent before the adoption order was made, and vice versa.

Mentally retarded children

A mentally retarded child may be admitted to a child caring facility at the request of a parent or a guardian. The child may be discharged from the child caring facility in accordance with the regulations made under the Act or at the request of a parent or guardian.

Delinquent minors

The Act provides that a child charged with an offence or brought before a judge under any of its provisions shall not, without the consent of a judge, before trial or examination be confined in a lock-up or a police cell used for persons charged with crime. Provisions can be made for the subsidizing of the private home of foster parents or the providing of suitable separate premises for the temporary custody or detention of the child. (Section 41)

Juvenile offenders are to be detained in training schools specifically designed for the care, education and rehabilitation of young offenders and unmanageable children, separately from adult offenders.

- (3) Measures to protect children and young persons against economic, social and all other forms of exploitation, neglect or cruelty and from being the subject of traffic;

The Children's Services Act provides protection against child abuse or neglect.

A child abuse register must be maintained by the Minister of Social Services (section 42). Where any person reports a child to be in need of protection the Minister shall cause the report to be investigated and then may direct that an entry be made in the child abuse register. The person purported to have abused the child must be informed of such recording and has a right to appeal it. Although the information in the register must be treated as confidential, it can be used with the permission of the Minister for the purposes of assisting in the study of the circumstances where a child is suspected to be in need of protection (section 43).

Under the Act a "child in need of protection" means

- (i) a child who is without proper supervision or control,
- (ii) a child who is living in circumstances that are unfit or improper for the child,
- (iii) a child in the care or custody of a person who is unfit, unable or unwilling to exercise proper care over the child,
- (iv) a child whose life, health or emotional welfare is endangered,
- (v) a child who is in the care or custody of a person who fails to provide for his education,
- (vi) a child who is committed pursuant to paragraph (h) or (i) of subsection (1) of Section 20 of the Juvenile Delinquents Act (Canada), or
- (vii) a child who is in the care or custody of a person who refuses or fails
 - (A) to provide or obtain proper medical or other recognized remedial care or treatment necessary for the health or well-being of the child, or

(B) to permit such care and treatment to be supplied to the child when it is considered essential by a duly qualified medical practitioner.

Section 77 of the Act provides that every person having information of the need for protection of a child shall report the information to an agency. Failure to report such information makes a person liable of an offence under the Act.

Cases of suspected child abuse must be investigated by an agent of an authorized agency, who has authority to enter premises, without warrant if necessary, and remove a child suspected of child abuse. Court proceedings must be initiated immediately. Where, after a court hearing, a child is found by a judge of the Family Court to be in need of protection, the judge may commit the child to the care and custody of an agency (section 49). The agency becomes then the legal guardian of the child and as such has all the rights and powers of a parent (section 51).

(4) Provisions governing work by children and young persons, including minimum age for paid or unpaid employment, regulation of hours of work and rest, prohibition or restriction of night work and penalties imposed for violations of such provisions;

The Labour Standards Code, S.N.S. 1972, c. 10, regulates the employment of children and young persons. The main provisions are contained in sections 65 to 67 of the Act.

The Act provides that no person shall employ a child under 16 years of age in work of any kind in:

- (a) an industrial undertaking;
- (b) the forest industry;
- (c) garages and automobile service-stations;
- (d) hotels and restaurants;
- (e) the operating of elevators;
- (f) theatres, dance halls, shooting-galleries, bowling-alleys, billiard and pool rooms;
- (g) work or class of work in which the employment of a child under 16 years of age is prohibited by regulation.

These provisions do not apply to an employer who employs members of his family.

The Act further provides that no person shall employ a child under 14 years of age to work

- (a) for more than eight hours in any day;
- (b) for more than three hours on any school day unless an employment certificate authorizing the employment of the child has been issued under the Education Act;
- (c) on any day for a period which when added to the time required for attendance at school on that day totals more than eight hours;
- (d) between the hour of 10 o'clock in the afternoon of any day and the hour of six o'clock in the forenoon of the following day;
- (e) in any work or class of work in which the employment of a child under 14 years of age is prohibited by regulation.

Violations of the Labour Standards Code are punishable by fine and/or imprisonment (sections 86-94). The parent or guardian of a child employed in contravention of the Act, unless he establishes that the child was so employed without his consent or connivance, is also liable to a fine (subsection 65(5)).

- (5) Measures taken to prevent employment of children and young persons in any work which would be dangerous to life, harmful to their morals or health or likely to hamper their normal physical and psychosocial development and penalties imposed for violations of such measures;

The Labour Standards Code provides that no persons shall pay wages to a child under 14 years of age to do work that is or is likely to be

- (a) unwholesome or harmful to his health or normal development; or
- (b) such as to prejudice his attendance at school or capacity to benefit from instruction there given.

Penalties for violation of the Code were explained above.

- (6) Statistical and other available data showing the number of children and young persons in the various age groups who are in fact working, and the sectors or type of work in which they are employed.

Statistics on the number of children and young persons who are part of the labour force can be found in an appendix to the present report.

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

- A. General and specific measures taken to achieve an adequate standard of living and a continuous improvement of living conditions of people.

General measures taken to achieve an "adequate standard of living and a continuous improvement of living conditions of people" can be regrouped in two main categories: measures to achieve economic development and measures of direct assistance to persons in need.

(i) Measures to achieve economic development

In 1971, the Government of Nova Scotia transformed what was then the Department of Trade and Industry into the Department of Development. The new department received the following additional functions:

- (a) to administer economic development policies of the Province;
- (b) to co-ordinate the development activities of the department with the development functions of other departments;
- (c) to collect and conduct analysis of economic and social data and conduct studies relating to the economic and social development of the Province;
- (d) to maintain liaison with the Government of Canada and the departments thereof concerned with economic development;
- (e) to maintain liaison with industry and with associations and organizations in the private sector of the economy concerned with economic development;
- (f) to promote the trade and commerce of Nova Scotia both within and outside Nova Scotia.

In 1981, the Department of Development underwent a major reorganization to enable it to better respond to changing provincial economic conditions and federal economic policy revisions. More specifically, the Department has been realigned to devote increased attention to industrial promotion, the adoption of innovative production and marketing techniques, productivity enhancement through the establishment of the Manufacturing Improvement Center and special measures for small business. This renewed mandate of the Department has been designed to maximize benefits in terms of job creation, incomes and quality of life flowing to the people of Nova Scotia through

the creation of a climate that fosters economic growth and the development of the province.

In 1974, the province entered into a 10-year General Development Agreement with the federal government to facilitate joint cooperation in initiatives for the economic and socio-economic development of Nova Scotia.

Among the circumstances leading to the Agreement it was recognized that significant economic disparities existed between Nova Scotia and the rest of Canada. It was noted that the total income per capita in Nova Scotia was approximately three-quarters of the national level, and that the rate of participation in the labour force was persistently below national levels, indicating the need for improved employment opportunities.

The objectives of the Agreement are therefore:

- "(a) to encourage the expansion or maintenance of viable, long-term employment opportunities and optimum quality of life within Nova Scotia;
- (b) to increase the earned incomes of the people of Nova Scotia; and
- (c) to assist in the development of a dynamic and creative provincial economy which will encourage the growth and stability of economic activity in the province."

In seeking to achieve these general objectives, the Agreement provides that the governments will jointly pursue a consistent and coordinated course of action involving specific sectorial and geographic approaches, including, for example, the development of the industry of agriculture.

The Agreement provides for the adoption of subsidiary agreements in various sectors. Since 1975, 16 subsidiary agreements were signed including one for the development of agriculture in the province signed in 1976.

Joint commitments between Nova Scotia and Canada amount to over 600 million dollars for the 10-year period.

(ii) Direct assistance to persons in need

Residents of Nova Scotia whose income does not permit them to meet their basic needs can receive assistance from public authorities.

The main laws which apply in these circumstances are the Social Assistance Act, S.N.S. 1970, c. 16, and the Family Benefits Act, S.N.S. 1977, c. 8. The former is meant to provide assistance

when the need is of a temporary nature while the purpose of the latter is to provide assistance to persons or families in need where the cause of need has become or is likely to be of a prolonged nature. The assistance provided is generally for items of basic need (food, clothing and housing) and occasionally for items of special need as defined by regulations. The costs of these programs are shared with the Government of Canada under the terms of the Canada Assistance Plan.

Municipalities are responsible for the provision of assistance under the Social Assistance Act. Each municipality must appoint a social services committee which duty it is to examine applications for assistance submitted by residents of that municipality. The Act provides for the reimbursement by the province of expenditures encountered by municipalities in the administration of the program. All persons in need who reside in a municipal unit are eligible for assistance from that unit. Under the Act a "person in need" means a person, who, by reason of adverse conditions, requires assistance in the form of money, goods, or services. A special social assistance based on need, as determined by regulation, can also be provided to a person who is in receipt of a Guaranteed Income Supplement under the Old Age Security Act (Canada).

Under the Family Benefits Act, a "person in need" or a "family in need" means a person or a family whose monetary requirements for regularly recurring needs determined under the regulations exceeds his/her or its income as determined under the regulations. Subject to the Act and the regulations the following persons in need are eligible to apply for family benefits:

- (a) a person who has attained the age of 65 years and is not eligible to receive a pension under the Old Age Security Act (Canada);
- (b) a person who has attained the age of 18 years, is disabled and is not eligible to receive a pension under the Old Age Security Act (Canada);
- (c) a father, who is disabled with a dependent child, on his own behalf and on behalf of his spouse and dependent child, or his dependent child;
- (d) a woman with a dependent child, under the circumstances as explained above under heading B-(5) of article 10;
- (e) a mother whose dependent child was born out of wedlock, if she is not married and has attained the age of 16 years;
- (f) a person who has the care and custody of a foster child where the child is not being maintained by his parent or

parents or whose parents are dead or are disabled as defined in the regulations; or a person on behalf of a child born out of wedlock where his mother is ineligible for benefits on her own behalf as well as on behalf of the child.

The Family Benefits Act is administered by the provincial department of Social Services. Applications for benefits are examined by the Director of Family Benefits appointed under the Act.

Appeals can be made of the decisions rendered under both the Social Assistance Act and the Family Benefits Act.

B. Right to adequate food

Specific measures directly related to the right of everyone to obtain adequate food on a day to day basis were reviewed above, under heading A, in the discussion of social benefits provided to persons in need. The measures discussed below will be principally related to the production and distribution of food.

Although the report will deal mainly with measures taken in the area of agriculture, because of the importance of fisheries in Nova Scotia a brief account will be given of the activities of the provincial government in this area. This account will appear next as the first item under heading (1).

- (1) Principal laws, administrative regulations and collective agreements designed to promote the right of everyone to adequate food, and relevant court decisions, if any;

Fisheries

The Nova Scotia fisheries department is engaged in almost all aspects of the fishing industry and has significant input into some of the policies and programs legislated and administered by the Government of Canada.

The primary thrusts of the department are in industrial development, resource development, and training and field services. Through its industrial development function the Department is responsible for programs related to fishing vessels, gear and equipment, port facilities and processing plants. It deals with equipment and facilities involved in catching, handling, processing and marketing fish and fish products, and provides technical assistance and direction to fishermen and processors, as well as incentive financial assistance to encourage improvement and new technology aimed at greater productivity. Loans are available to fishermen and those involved in aquaculture through the Nova Scotia Fisheries Loan Board.

By virtue of its resource utilization function, the Department is involved in a broad range of projects directed toward making the

greatest use of all fishery resources, processing these to the highest level, and marketing the products at a good price. It includes efforts in aquaculture aimed at producing fishery resources in a controlled environment. Activity is also directed to development of under-utilized and unexploited species recovery and use of fish presently discarded, and encouragement of production of more food fish.

Through its training and field services function, the Department is responsible for extensive training programs for commercial fishermen. It operates the Fisheries Training Centre in Pictou as well as courses held in fishing communities throughout the province. It also provides a field service consisting of fisheries representatives who act in liaison with fishermen and all segments of the fishing industry.

Legislation enacted by the Province of Nova Scotia in the area of fisheries include the Fisheries Act, S.N.S. 1977, c. 9, and the Fisheries Development Act, S.N.S. 1978, c. 7.

The purpose of the Fisheries Act is to authorize and regulate the implementation of programs, projects and undertakings which will improve and sustain the fishing industry in the province through education, development, efficient processing, efficient marketing and conservation.

Section 9(1) of the Act provides that the Minister of Fisheries may undertake projects:

- (a) for the exploration and development of fishery resources and fisheries;
- (b) for the more efficient harvesting and utilization of fishery resources;
- (c) for the introduction and demonstration to fishermen and others of new types of fishing vessels, gear, equipment, methods, techniques and vessel operations;
- (d) for the introduction and demonstration of more efficient methods in landing, handling and storage of fishery resources;
- (e) for the training, education and career planning of fishermen and processing plant workers;
- (f) for the development and promotion of fishery products;
- (g) for the development of new markets for fishery products;
- (h) for the more efficient processing of fishery products;
- (i) for the improved quality of fishery products;

- (j) for the development of fishing ports and port facilities and services;
- (k) for the development of aquaculture;
- (l) for the enhancement of fishing communities.

The Fisheries Development Act authorizes the Nova Scotia Fisheries Loan Board, established under the Act, to make loans and guarantees of loans to or on behalf of fishermen, companies, cooperatives, associations or other persons engaged directly or indirectly in the fishing industry or to or on behalf of any person for any purpose which in the opinion of the Governor in Council will encourage, sustain, improve or develop the fishing industry (section 7).

Finally it can be mentioned that harvesting sea plants in Nova Scotia is regulated through the licensing of harvesting operations under the Sea Plants Harvesting Act, R.S.N.S. 1977, c. 279, and the Irish Moss Act, R.S.N.S. 1967, c. 154.

Agriculture

In the area of agriculture, the principal laws which will be reviewed under the following headings are:

The Agriculture and Marketing Act, R.S.N.S. 1967, c. 3, which is the main piece of legislation dealing with agriculture in Nova Scotia. The Act establishes the broad functions of the Minister of Agriculture and Marketing, and provides that a Department of Agriculture and Marketing, established by virtue of the Public Service Act, R.S.N.S. 1967, c. 255, is to be continued under the authority of the Minister of Agriculture and Marketing to administer matters related to agriculture in the province. The Act also provides for the establishment of agricultural and horticultural societies and for the continuation of the Nova Scotia Federation of Agriculture.

Other texts of laws which will be reviewed under this section include:

- the Marshland Reclamation Act, R.S.N.S. 1967, c. 177,
- the Land and Forests Act, R.S.N.S. 1967, c. 163,
- the Agriculture and Rural Credit Act, R.S.N.S. 1967, c. 4,
- the Crop and Livestock Insurance Act, S.N.S. 1968, c. 6,
- the Assessment Act, R.S.N.S. 1967, c. 14,
- the Land Action Venue Act, R.S.N.S. 1967, c. 160,
- the Potato Industry Act, R.S.N.S. 1967, c. 232,
- the Livestock Loans Guarantee Act, S.N.S. 1970-71, c. 15,
- the Veterinary Medical Act, R.S.N.S. 1967, c. 327,
- the Livestock Health Services Act, S.N.S. 1968, c. 8,
- the Brucellosis Control Act, R.S.N.S. 1967, c. 27,
- the Cattle Pest Control Act, S.N.S. 1970, c. 2,

the Poultry Health Protection Act, S.N.S. 1972, c. 13,
the Agrologists Act, S.N.S. 1972, c. 4,
the Weed Control Act, R.S.N.S. 1967, c. 336,
the Pest Control Products Act, S.N.S. 1972, c. 12,
the Cold Storage Plants Loan Act, R.S.N.S. 1967, c. 37,
the Imitation Dairy Products Act, R.S.N.S. 1967, c. 133,
the Margarine Act, R.S.N.S. 1967, c. 174,
the Natural Products Marketing Act, R.S.N.S. 1967, c. 106,
the Farmers' Fruit, Produce and Warehouse Associations Act,
R.S.N.S. 1967, c. 99, and
the Health Act, R.S.N.S. 1967, c. 247.

In conformity with the legislation and in support of its implementation, a number of programs have been established by the Government of Nova Scotia to support the agriculture effort and to assist farmers and other participants in the agriculture industry. More than 40 different programs serve to provide assistance in the various agricultural sectors. Some of these programs will be reviewed below under the various headings.

- (2) Measures taken to develop or reform existing agrarian systems, in order to achieve the most efficient development and utilization of natural resources;

Under this heading we will review measures designed to achieve the most efficient development and utilization of natural resources including efforts to improve agricultural land, assistance for the development and expansion of agricultural operations, crop and livestock insurance and various other services offered to farmers.

- (i) Improvement of agricultural land

The Agriculture and Marketing Act, R.S.N.S. 1967, c. 3, permits the Minister of Agriculture and Marketing to enter into and carry out an agreement with the Government of Canada for the execution of a work or a program of work for the protection, reclamation, conservation and improvement of land and for the more effective and economical utilization of land, or for any of those purposes.

For the purpose of carrying out an agreement entered into under the Act, the Minister may acquire and use real and personal property; construct drains, roads, break-waters, dams, ditches, canals, excavations and other works and things for the reclamation, protection, and improvement of land; make regulations respecting the use or protection of, and the more effective utilization of, land reclaimed, protected or improved by work performed under an agreement; and may prescribe penalties for the violation of these regulations.

Other laws that provide for the improvement of land for agricultural purposes include the Marshland Reclamation Act, R.S.N.S. 1967, c. 177, which authorizes the Minister of

Agriculture and Marketing to develop, operate and maintain any work for the protection, drainage and improvement of marshlands, and the Lands and Forests Act, R.S.N.S. 1967, c. 163, which authorizes the Minister of Lands and Forests to give a lease of Crown Land if the land proposed to be leased is of inferior quality and the person proposing to lease undertakes to expand money in draining, dyking or developing the land.

Programs designed to help improve land include: financial assistance to municipalities and incorporated marsh bodies for the provision of improved drainage outlets for relatively large areas of agricultural land by constructing drainage channels; financial assistance to farm owners for land clearing, land drainage and/or construction of farm ponds and access roads on marshland; and, financial assistance to sheep producers for the improvement of pasture land.

(ii) Assistance for the development and expansion of agricultural operations

Assistance in the form of loans is accorded for agricultural purposes. The Agricultural and Rural Credit Act, R.S.N.S. 1967, c. 4, establishes the Farm Loan Board and gives it power to make loans, including guaranteed loans for agriculture purposes. The purpose, duties and powers of the Board are, among other things, to make loans to, or guarantee loans of, a borrower for the purpose of acquiring or improving any farm, plant, machinery or equipment; to acquire, hold or dispose of farms or buildings or agricultural lands; to acquire, hold and dispose of livestock, agricultural machinery and equipment; to erect buildings, make permanent improvements and carry on farming operations on lands owned by the Board.

Under the Lands and Forests Act, R.S.N.S. 1967, c. 163, the Minister of Land and Forests can authorize any person, under certain conditions, to use Crown land for agricultural or grazing purposes.

Further financial assistance is granted through various programs, some of which will be described in the following paragraphs.

The Department of Agriculture and Marketing provides assistance by the acquisition, consolidation and development of land of high agricultural capability and subsequently leasing it to farmers in need of expanded acreage. Farmers who participate benefit from a reasonable lease cost and have the option of purchasing the land or renegotiate the lease at the end of the contract.

Assistance is provided to young farmers for the purchase and establishment of a farm operation. This assistance takes the form of the payment, by the province, of the interest for the first two years on principal money obtained from the Nova Scotia Farm Loan Board or the Farm Credit Corporation.

Other forms of financial assistance include: interest subsidies for commercial farmers; grants for the construction or modernization of greenhouse operations; capital grants for the development and modernization of farm units and the adoption of new technology; and grants to assist low income farmers in developing viable operations by acquiring additional land.

(iii) Crop and livestock insurance

The Crop and Livestock Insurance Act, S.N.S. 1968, c. 6, provides for compensation to be made to farmers for crop and livestock losses due to factors beyond their control. The amount of compensation is based upon previous years livestock and crop production. Premium costs are shared between farmers and the federal and provincial governments. Premiums are deposited in the Crop Insurance Fund administed by the Nova Scotia's Crop and Livestock Insurance Commission established under the Act.

(iv) Other services for farmers

Other forms of assistance to farmers include: tax exemptions for farm land under the Assessment Act, R.S.N.S. 1967, c. 14; a farm accounting service; and the possibility to resort to a court established under the Land Action Venue Act, R.S.N.S. 1967, c. 160, for litigation in land disputes.

(3) Measures taken to improve methods of production and the quantity and quality of food produced, and to increase yield per unit of cultivated land and to improve methods of animal husbandry, including animal health, by making full use of technical and scientific knowledge, in particular:

(a) promotion of agricultural research, introduction and use of appropriate material, equipment and techniques,

(b) measures to disseminate knowledge on the use of such material, equipment and techniques;

Measures corresponding to this heading will be reviewed under the four following items: measures to increase the quantity and quality of food produced; improvement of animal husbandry; control of animal health; agricultural research and dissemination of knowledge. For each item the main legislation will be reviewed, followed where appropriate by a brief account of programs.

(i) Measures to increase the quantity and quality of food produced

Legislation

The Agriculture and Marketing Act, R.S.N.S. 1967, c. 3, contains provisions with respect to the encouragement of horticulture by

providing for a provincial horticulturist, provincial aid and the reorganization of horticultural societies.

The Act also deals with encouragement of seed growing. it provides for the appointment of a provincial agronomist who is to have all the powers of an inspector appointed under the Act. The Lieutenant Governor in Council may proclaim any area or areas a "special area" for the purpose of encouraging the growing of pure seed of any farm or garden crops, and to prevent the cross-pollination of such seed. The Lieutenant Governor in Council may make regulations for the approval of a variety or varieties of seed; for the proclaiming of or the cancelling of a variety area or areas; and for the inspection, test and approval of such seed and the inspection of such areas.

The Act also provides for such other matters as: promotion of dairying in the province; soil improvement by the appointment of a provincial chemist whose duties include the testing of soils and other substances used for agricultural purposes, and the provision of advisory services to farmers; and the protection of cranberries, by the appointment of municipal berry committees who may fix the time of harvesting and prohibit the use of mechanical means of harvesting.

The Potato Industry Act, R.S.N.S. 1967, c. 232, provides for the development of seed potatoes and table stock potatoes. The Lieutenant Governor in Council may, on application, establish any area in the province as a certified foundation seed area or certified seed area and may make regulations governing the planting, growing, digging, storing and conveying of potatoes in such an area. He may make regulations governing the conveyors of potatoes between such areas and other parts of the province, the source and quality of seed to be planted, the standards of certification for foundation seed, compulsory rogueing, the period during which and the extent to which rogueing and removal of defective plants may be practised, and the compulsory destruction of crops.

The Livestock Loans Guarantee Act, S.N.S. 1970-71, c. 15, assists farmers in securing loans for the purpose of financing female cattle, female sheep or such other animals as may be designated by the Lieutenant Governor in Council. Under the Act, lending institutions can recover from the provincial government a certain percentage of losses incurred as a result of loans granted to farmers for the purposes mentioned above.

Programs

In the general area of food production, programs were put in place to assist tree fruit production, lowbush blueberry land clearing, pedigreed seed grain production, importation of package bees and extra queens, honey bee colonies for lowbush blueberry

pollination, certified seed potatoes, maple syrup production, manufacturing milk and farm separated cream, beef, sheep and hog production, fertilizer and limestone use, and the purchase of lime spreading equipment.

(ii) Improvement of animal husbandry

Legislation

Measures for the improvement of animal husbandry are provided for by the Agriculture and Marketing Act which contains various provisions for the encouragement of cattle, horse and poultry breeding and for the improvement of livestock breeding. Controls are established under the Act in order to ensure that the best quality will result from breeding. Artificial insemination of cattle, horses, sheep and swine is a technique used in order to obtain the best possible results.

Programs

In the area of animal husbandry, programs of assistance exist for improved sire (purebred beef cattle, swine, commercial beef, and sheep), sheep importation, hog quality, and breeders guarantee (swine).

(iii) Control of animal health

Measures for the control of animal health and the eradication of diseases among animals are provided for principally, by the Veterinary Medical Act, R.S.N.S. 1967, c. 327, the Livestock Health Services Act, S.N.S. 1968, c. 8, the Brucellosis Control Act, R.S.N.S. 1967, c. 27, the Cattle Pest Control Act, S.N.S. 1970, c. 2, the Poultry Health Protection Act, S.N.S. 1972, c. 13, and the Agriculture and Marketing Act.

The Veterinary Medical Act ensures the continuance of the veterinary profession in the province by recognizing the Nova Scotia Veterinary Medical Association which has among its objects the responsibility to encourage, promote and safeguard the health of livestock generally. Veterinarian services are available, by virtue of the Livestock Health Services Act, through the establishment of livestock health services boards which may regulate and make agreements with veterinarians for the provision of health services.

The Brucellosis Control Act establishes vaccination procedures against brucellosis. Brucellosis control areas may be established under appointed committees and all female calves in these areas must be vaccinated. In the performance of his duties, under this Act, a veterinarian or inspector may at any time between sunrise and sunset enter any land or building other than a dwelling house and may vaccinate or inspect the female

calves on the premises. Every cattle owner is liable for the cost of vaccination of his female calves.

The Cattle Pest Control Act provides for the control of the cattle pest commonly known as the warble fly. Treatment programs can be set up and costs shared by the Department of Agriculture and Marketing and the municipalities in which the program applies. Cattle owners must make the cattle available for inspection and treatment, and pay the fees prescribed for the treatment and services related to the program.

The Poultry Health Protection Act provides that the Lieutenant Governor in Council on the recommendation of the Minister of Agriculture and Marketing may make regulations for the purpose of eradicating or preventing the spread of contagious disease among poultry in the province and for controlling or prohibiting the admission into the province of poultry infected with a contagious disease.

The Agriculture and Marketing Act contains additional provisions for the eradication of diseases of poultry, and for the prevention and treatment of contagious diseases among bees.

The Department of Agriculture and Marketing operates a special swine herd health program designed to reduce the incidence of disease within enrolled herds through inspection, tabulation of disease findings and adoption of corrective and preventive measures.

(iv) Agricultural research and dissemination of knowledge

Agricultural research and the dissemination of knowledge in agriculture are encouraged through various measures.

The Agrologists Act, S.N.S. 1972, c. 4, created the Nova Scotia Institute of Agrologists. The objects of the Institute are to: promote and increase the knowledge, skill and proficiency of its members in the practice of agrology; do all things that contribute to the usefulness of agrologists to the public; and ensure for the benefit of the public the proficiency and competence of agrologists.

The objects of the Nova Scotia Veterinary Medical Association include the promotion, encouragement and development of veterinary science in the province and the conducting of courses of instruction, studies and lectures.

Concerning agricultural education, the Agriculture and Marketing Act provides for the continuation of the Nova Scotia Agricultural College and Experimental Farm in Truro and provides for its equipment, machinery and maintenance, and staff.

The Act also provides encouragement in the form of grants for the holding of annual exhibitions of agriculture or horticulture

produce, farm stock or articles of domestic manufacture, at which prizes are awarded for the best specimens produced.

- (4) Measures taken to improve and disseminate knowledge regarding methods of food conservation, in particular to reduce crop and post-harvest losses and waste (e.g. through pest control and adequate food storage facilities), and to prevent degradation of resources (e.g. through soil conservation and water management);

Measures related to this heading will be reviewed under the following two items: control of plant disease, pest and weed; and, storage facilities.

(i) Control of plant disease, pest and weed

The Agriculture and Marketing Act, R.S.N.S. 1967, c. 3, provides for the control of such plant diseases, insects and pests as designated by the Lieutenant Governor in Council, who may appoint a provincial entomologist who shall have and may exercise all the powers of an inspector appointed under the Act. The Lieutenant Governor in Council may make regulations to eradicate, control or prevent the introduction into the province or the dissemination therein of such plant disease, insect or pest.

It is unlawful for any person to have in his possession or to scatter any infected vegetation, vegetable or other matter that the Minister of Agriculture and Marketing deems to be likely to introduce disease, insects or pests into the province. Regulations may be made providing for the treatment to be given to eradicate or control the disease or pest; prohibiting the sale of infected vegetation or vegetable matter; establishing quarantine areas; providing for the seizure, confiscation and destruction of infected vegetation; and concerning similar matters. Provision is also made for the appointment of inspectors.

The Act also contains similar provisions for the prevention, control and elimination of the apple maggot.

The Weed Control Act, R.S.N.S. 1967, c. 336, provides for the designation of plants as noxious weeds where appropriate, destruction of noxious weeds, and assistance to municipalities.

The Lieutenant Governor in Council may designate plants as noxious weeds, generally or in respect of any part of the province. An occupant of any land must destroy all noxious weeds as often as is necessary to eliminate them or to prevent the ripening of seed.

The Pest Control Products Act, S.N.S. 1970, c. 12, provides for safeguards in the sale and use of pesticides. The Lieutenant Governor in Council may make regulations prohibiting, restricting

the sale, offering for sale, advertising, possession, distribution or use of a control product; prescribing the nomenclature of pests, control products and kinds of pests and control products; exempting any person or class of persons or any control products; respecting the taking of samples and the making of analysis; respecting the function, power and duty of inspectors and analysts appointed under this Act; and generally for the carrying out of the purposes or for the more effective administration of this Act.

Where a person is convicted of violation of any provision of the regulations in respect of a control product, the magistrate, justice or judge who convicts the person may make an order directing the seizure and destruction of the control product.

The Potato Industry Act, R.S.N.S. 1967, c. 232, empowers the Lieutenant Governor in Council to make regulations for the purpose of preventing the introduction of any insect, pest or disease, and the compulsory destruction of crops.

(ii) Storage facilities

The province provides various forms of assistance for the storage of food and agriculture accessories.

The Cold Storage Plants Loan Act, R.S.N.S. 1967, c. 37, provides that the Lieutenant Governor in Council may make loans to any person, partnership, company or association of persons for the purpose of erecting, establishing, acquiring, owning or operating a cold storage plant or plants.

Assistance for the construction of bulk bins is provided to commercial producers of fruit and vegetables in order to improve the handling and storage efficiency and quality of their products.

Farmers can also obtain grants for the establishment of facilities for drying, storing and milling grain, for drying livestock fodder and for storing silage and high-moisture grain.

Finally, farmers can obtain assistance for the construction of proper manure storage facilities, in order to prevent run-off and control pollution of lands and water courses.

- (5) Measures taken to improve food distribution such as improvement of communications between areas of production and food marketing centres, facilitating access to markets, introducing price support and stabilization measures, controlling abusive practices, and assuring minimum supplies to needy groups;

The main involvement of the Government of Nova Scotia in the subject matter of the above heading concerns the regulating of

marketing and assistance for the marketing of agricultural products.

The Agriculture and Marketing Act, R.S.N.S. 1967, c. 3, provides for the grading, packing, inspection and sale of natural products of the province.

"Product" includes animals, wool, meats, eggs, poultry, fruit, fruit products, vegetables, vegetable products, maple products, honey and such other natural products of agriculture as the Lieutenant Governor in Council may designate, and such articles of food or drink wholly or partly manufactured or derived from any such product as he may designate.

The Lieutenant Governor in Council may make regulations classifying and establishing grades for any product; with respect to packages or containers; and providing for the inspection, grading, packaging, packing, marking, shipping, advertising and selling of products within the province; prescribing when and where the regulations shall be in force; providing for the registration of packers and of persons assembling products, and for the registration and licensing of brokers, commission agents and dealers; and prescribing fees for such registration and licensing, and fees for the inspection of products, and other matters.

The Act contains special provisions for the sale and distribution of milk and dairy products in the province. It empowers the Nova Scotia Dairy Commission to arbitrate, adjust and settle disputes arising between groups in the milk marketing chain; to prescribe standards and prices for whole milk, cream and butterfat in designated areas of the province; to prescribe maximum or minimum prices for milk; to prescribe the quantities or the containers in which milk may be sold; to prohibit, within the limits of an area designated by the Commission, the sale of milk and grades thereof. The Commission has the power: (a) to fix the rates and charges or the maximum and minimum rates that a transporter of milk or cream is authorized to charge; (b) to require the filing of information; and (c) to prescribe and define the rights, obligations and liabilities of milk and cream transporters, shippers and receivers.

No one may engage in the business of producing, supplying, transporting, processing or selling milk unless licenced by the Commission which may make regulations specifying the terms and conditions upon which a licence may be obtained.

The Commission, or any authorized person, may enter and inspect any premises of a licensee under the Act or the regulations made under it.

The Commission may make regulations to: prohibit or regulate the manufacture, processing, distribution or sale of reconstituted

milk; cooperate with a marketing board or agency of Canada or any province for the purpose of marketing milk; provide for the administration of the system of quotas; regulate the grading, inspection, packaging, marking, shipping, advertising and selling of dairy products in the province; provide for the licensing of packers and distributors; and provide for the appointment of graders and inspectors and prescribe their powers and duties.

The production and sale of imitation dairy products is strictly regulated by the Imitation Dairy Products Act, R.S.N.S. 1967, c. 133 and the Margarine Act, R.S.N.S. 1967, c. 174.

The Natural Products Marketing Act, R.S.N.S. 1967, c. 106, covers a wide range of agricultural and fishery products, and other products derived from them. It empowers the Nova Scotia Marketing Board to inquire into aspects of production, distribution and transportation, together with pricing and management methods. The Board may investigate, arbitrate, or settle any dispute between producers, distributors or transporters; may investigate cost, prices, price spreads and other related policy concerns; may establish commodity boards to carry out any plan established under the Act; and with the approval of the Lieutenant Governor in Council it may establish price-negotiating agencies and determine fair and minimum prices for any regulated product. Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations providing for: the licensing of persons engaged in marketing; marketing on a quota basis; the fixing, allotting, transferring, etc., of quotas; and prohibiting above quota marketing and non-quota holders from marketing.

The Farmers' Fruit, Produce and Warehouse Associations Act, R.S.N.S. 1967, c. 99, enables the incorporation of co-operative associations to pack and market fruit and other farm produce. Any number of persons, not less than five, may form themselves into a company for the purpose of engaging in the business of packing fruit, fodder and other farm produce including the purchase and sale of farm supplies, equipment and other merchandise. Such companies can pass contracts with growers of certain products under which the growers agree to deliver their entire crop to the company which in turn agrees to handle and market it with due diligence.

Various programs complement the provisions of the legislation examined above. For example, the province subsidizes the cost of transporting cream from farms to processing plants; it provides assistance to hog producers in the form of differential payments covering the margin created when the cost of production exceeds market prices; and it provides subsidies to equalize hog transportation costs from farms to slaughtering establishments and to assist in the development of efficient transportation systems.

- (6) Measures taken to improve food consumption levels and nutrition, with particular reference to the most vulnerable groups of the population;

The measures discussed under the previous headings contribute to ensure the availability of food for the people of Nova Scotia. With regard to vulnerable groups of the population, measures to provide assistance to meet basic needs, including food, were discussed under heading 11-A. It should also be noted that there is no sales tax on food in Nova Scotia.

- (7) Measures taken (including the adoption of food standards) to reduce food adulteration and contamination and to improve the quality and safety of food, at market and storage levels, as well as food hygiene at all levels;

The principal measures concerning food hygiene can be found in the Health Act, R.S.N.S. 1967, c. 247, the Agriculture and Marketing Act, R.S.N.S. 1967, c. 3, the Veterinary Medical Act, R.S.N.S. 1967, c. 327, and in various other legislative enactments.

To safeguard public health, the Health Act gives the Minister of Health powers to regulate storage, production and manufacture, etc., of milk, meat and other foodstuffs. The Act provides for the inspection of places in which milk, milk products or other foodstuffs are produced, manufactured, stored, kept for sale or sold, and of vehicles in which they are transported; prohibits the sale of such products if the conditions in that place are unsanitary; and provides for the issue of permit books, inspection and keeping of records of permits.

No person who is infected with or is a contact of, or is known to be a carrier of a communicable disease, shall participate in any way in the storage, production, manufacture, transportation, etc., of milk or foodstuffs, unless he has a certificate from the director of a health unit that no infection or danger of infection exists by reason of his participation.

The Act also stipulates the restrictions on the sale of raw milk, the method and requirement of pasteurization, the bottling and sale of milk and cream, the homogenization of milk and the capping of bottles. Provision is made for inspection of the whole process of pasteurization and bottling.

Regulations were enacted, under the authority of the Act, respecting milk production, transportation and pasteurization. Regulations were also enacted respecting sanitary conditions in eating establishments.

The Agriculture and Marketing Act also provides for the inspection of natural products, milk and dairy products.

Detailed regulations were enacted by the Nova Scotia Dairy Commission, under the provisions of the Act, concerning sanitary conditions in the production of milk.

Under the Veterinary Medical Act, the Nova Scotia Veterinary Association has the duty to cooperate with the boards of health for the purpose of securing conformity with rules and regulations for the protection of the public against infectious and contagious disease communicable from animal to man.

The Brucellosis Control Act, mentioned under heading (3) above, provides protection against brucellosis being transmitted to human beings by infected animals.

The Poultry Health Protection Act, also mentioned under heading (3) provides for the control of contagious disease among poultry.

As explained under heading (4) above, the Pest Control Products Act provides for safeguards in the sale and use of pesticides.

The Province of Nova Scotia participates in the Atlantic Pesticide Residue Committee which coordinates the work of the Atlantic Provinces Pesticide Residue Laboratory maintained in Halifax, Nova Scotia, by the four Atlantic provinces. The Laboratory is concerned with evaluating pesticide residues on food.

(8) Measures taken for dissemination of knowledge of the principles of nutrition;

The Government of Nova Scotia has developed a nutrition information program which contributes to the dissemination of knowledge of the principles of nutrition in the province.

(9) Information on participation in international cooperation, efforts and projects aimed at ensuring the right of everyone to be free from hunger, in particular through an equitable distribution of world food supplies in relation to need, account being taken of the related problems of both food-importing and food-exporting countries;

The Nova Scotia Agricultural College operates a potato technology course aimed at training representatives from various countries in potato technology. The course is funded by the federal Department of Agriculture. It is attended mainly by representatives of developing countries to whom it provides information on the production of potatoes and other related matters such as grading standards, etc.

(10) Statistical and other available data on the realization of the right to adequate food.

Statistical information on food consumption in Canada is provided in an appendix to this report.

C. Right to adequate clothing

- (1) Principal laws, administrative regulations and collective agreements designed to promote the right to adequate clothing;
- (2) Information on measures taken, including specific programmes, aimed at improving methods of production and distribution of articles of clothing;
- (3) Information on scientific and technical methods used to achieve adequate supply of articles of clothing;
- (4) Information on the extent of participation in international co-operation contributing to the promotion of the right to adequate clothing.

As indicated above, under heading 11-A, the Social Assistance Act and the Family Benefits Act provide for assistance to be allocated to persons or families in need for items of basic need, including clothing. Additional allowances can also be allocated for clothing required for school or employment.

It should be noted also that clothing and footwear are exempted from the sales tax that consumers have to pay on goods they buy at retail stores.

D. Right to housing

- (1) Principal laws, administrative regulations and collective agreements designed to promote the right to housing, and relevant court decisions, if any;

(i) Background

Nova Scotia's involvement in housing goes as far back as 1932 when the Nova Scotia Housing Commission was established. At that time, the functions of the Commission were principally in support of the cooperative housing activities of St. Francis Xavier University in Antigonish.

(ii) Principal laws

The Housing Development Act, R.S.N.S. 1967, c. 129, is the principal housing legislation in Nova Scotia. Under the Act, the Nova Scotia Housing Commission is responsible for most housing matters in the province. Its duties are to:

- (a) study housing needs and conditions;
- (b) make recommendations for improvement of housing conditions;

- (c) encourage and promote public and private initiative in housing and neighbourhood improvement matters;
- (d) carry out and perform such other duties regarding housing and neighbourhood improvement as may be directed by the Governor in Council;
- (e) make loans, guarantee the repayment of loans, or perform such other acts related to housing as may be determined by the Governor in Council.

The Act also grants similar duties to municipalities. In addition, the Municipal Housing Corporations Act, R.S.N.S. 1967, c. 200, provides for the creation of non-profit corporations wholly owned by municipalities. The objects of a municipal housing corporation are:

- (a) to construct, hold and manage a low rental housing project for the aged as defined by the National Housing Act (Canada);
- (b) to construct, hold and manage a housing project or housing accommodation of the hostel or dormitory type as defined by the National Housing Act (Canada);
- (c) to construct, hold and manage accommodation for the aged, and for those requiring nursing and custodial care.

The Human Rights Act, S.N.S. 1969, c. 11, protects the right to housing by prohibiting discrimination both in the sale of property and in rental housing accommodation.

With regard to the sale of property the Act provides that no person who offers to sell property or any interest in property shall refuse an offer to purchase the property or interest made by an individual or class of individuals, or discriminate against any individual or class of individuals with respect to any term or condition of sale of any property or interest, because of the race, religion, creed, colour, ethnic or national origin, sex, or physical handicap of the individual or class of individuals. The Act further provides that, where in an instrument transferring an interest in real property a covenant or condition restricts the sale, ownership, occupation, or use of the property because of the race, religion, creed, colour or ethnic or national origin of any person, the covenant or condition shall be void.

With regard to rental housing accommodation, the Act prohibits the denial of occupancy, and forbids discrimination with respect to any term or condition of occupancy, of self-contained dwelling units or accommodation in a housing unit, on the basis of race, religion, creed, colour, ethnic or national origin. This

provision does not apply where the only premises rented consist of one room in a dwelling house the rest of which is occupied by the landlord or his family and the landlord does not advertise the room for rental by sign, through any news media or listing with any housing, rental or tenant's agency.

The Act also prohibits discrimination in the rental of self-contained dwelling units on the basis of sex and physical handicap.

Other pertinent legislation which will be reviewed below under the various headings include:

the Homeowner's Incentive Act, S.N.S. 1970-71, c. 1;
the Senior Citizens Financial Aid Act, S.N.S. 1981, c. 11;
the Emergency Measures Act, R.S.N.S. 1967, c. 87;
the Residential Tenancies Act, S.N.S. 1970, c. 3; and
the Rent Review Act, S.N.S. 1975, c. 56.

(iii) Federal-Provincial Cooperation

Under the provincial legislation, the Housing Development Act in particular, agreements can be entered into with the Government of Canada for the undertaking and cost sharing of housing projects. In fact, most provincial projects result from such agreements and are cost-shared with the Government of Canada.

- (2) Information on measures taken, including specific programmes, subsidies and tax incentives, aimed at expanding housing construction to meet the needs of all categories of the population, particularly low-income families;

Most of the housing construction programs are developed under the terms of the Housing Development Act which outlines in detail the various areas of housing in which the Nova Scotia Housing Commission may participate. The areas of housing outlined in the Act include: public housing, cooperative housing, housing for rental purposes, land assembly, housing construction, home ownership, housing rehabilitation and neighbourhood improvement. These programs will be explained below.

It should be noted that, in making major decisions concerning these programs, the Commission or the minister responsible for the administration of the Act, often need the approval of the Lieutenant Governor in Council, that is the Cabinet of Ministers.

(i) Public Housing

The minister responsible for the administration of the Housing Development Act may enter into and carry agreements relating to the provision of land for public housing purposes, the provision of municipal services to such land, the construction of new

public housing for rent, the rehabilitation and improvement of existing buildings for public housing, or the leasing of residential housing for public housing. Public housing is primarily geared to low-income persons or families. Rent in public housing is based on income.

(ii) Cooperative Housing

The Nova Scotia Housing Commission may encourage the formation of companies for the purpose of building and providing sufficient and suitable housing units in any part of the province and selling and leasing the housing units. These companies can obtain from the Commission loans secured by a first mortgage in favour of the Commission. The Commission may undertake jointly with such a company, projects for the acquisition and development of land for housing purposes, and the construction of housing units to be conveyed upon completion to the members of the company.

The Housing Commission may investigate the operations of the companies and their relationships with the housing tenants and occupants, determine and fix the maximum rentals to be charged by the companies for any dwelling units, and supervise and regulate the companies and audit their books and accounts.

These companies can obtain from the Lieutenant Governor in Council a waiver of fees that a company would normally pay under the Companies Act, the Corporations Registration Act, or any other act relating to the incorporation or registration of companies. They can also obtain a limitation of municipal taxes of all kinds that would normally have to be paid on their property.

Members of the company can, under certain conditions, buy the dwelling and lot that they hold under a lease agreement with the company.

(iii) Housing for Rental Purposes

The Housing Commission may encourage and promote the formation and incorporation of non-profit corporations eligible for loans under the National Housing Act (Canada).

A municipality in which a non-profit corporation proposes to erect and maintain a low-rental housing project may limit the taxes of all kinds levied in respect of the property owned by the corporation. Other fees or taxes may also be waived by the Lieutenant Governor in Council.

Non-profit corporations can obtain loans from the Housing Commission as well as grants in aid of any project undertaken.

(iv) Land Assembly

The Housing Commission may undertake and assist municipalities to initiate and carry out land assembly. Under the Act, "land assembly" means the development of land for any purpose or project permitted or related to a purpose or project permitted by the Act, including the acquisition, assembly, planning, servicing, sale, conveyance, leasing or other disposal of the land.

(v) Housing Construction

Where the supply of housing accommodation is insufficient to meet the needs of people in the province, the Housing Commission, for the purpose of providing sufficient and suitable housing accommodation, may plan, design, build, own, maintain, manage and operate housing projects, borrow money to assist in the construction of such projects and enter into and carry out contracts with builders for the purpose of encouraging the construction of houses for sale to prospective home owners.

When a person who is eligible for a loan under the National Housing Act (Canada) does not obtain such a loan, the Housing Commission can make a loan to the person.

(vi) Home Ownership

To assist home ownership, the Housing Commission may guarantee and insure the repayment of loans made for housing purposes by lenders approved under the National Housing Act (Canada) or by lenders approved by the Governor in Council under the Housing Development Act. The Commission may itself make loans to persons, firms or corporations. Where a loan is made to a person of low income, subsidies may be granted in respect of the repayment of all or a portion of the principal or interests or taxes. The Commission can also make grants to persons for housing purposes.

With regard to taxes, the Homeowner's Incentive Act, S.N.S. 1970-71, c. 1, entitles a person who owns or occupies a housing unit to receive a grant in respect of the health services tax paid on the building materials consumed in the construction of the housing unit. The grant is calculated at the rate of eight per cent of the money value of the building materials consumed and must not exceed \$750.

(vii) Senior Citizens Financial Aid

The Senior Citizens Financial Aid Act, S.N.S. 1981, c. 11, provides for financial aid to senior citizens in the form of "special social assistance", "property tax rebates" and "rental subsidy" as prescribed by the regulations. The purpose of the Act is to provide assistance to senior citizens so that they may remain in their own homes for as long a time as possible.

(viii) Housing Rehabilitation

The Housing Commission may make loans to persons, firms or non-profit corporations to assist in the improvement of existing housing accommodation. The Commission may grant subsidies in respect of the repayment of all or a portion of the loan or interests or taxes. It may also make grants to persons of low income for housing purposes.

(ix) Neighbourhood Improvement

The minister charged with the administration of the Housing Development Act, or the Nova Scotia Housing Commission, can enter into and carry out agreements for the preparation of neighbourhood improvement plans. "Neighbourhood improvement" is defined under the Act as action involving redevelopment, rehabilitation and conservation measures taken to renew and repair communities and protect them from blight and deterioration.

A "neighbourhood improvement plan" means a plan for the renewal of a blighted or substandard area in the municipality that includes:

- (i) a plan designating the buildings and works in the area that are to be acquired and cleared by the municipality in connection with the plan;
- (ii) a plan for making available to persons dispossessed of housing accommodation by such acquisition or clearance decent, safe, and sanitary housing accommodation at rentals that, in the opinion of the Housing Commission, are fair and reasonable having regard to the income of the persons to be dispossessed;
- (iii) a plan describing the proposed street pattern and land use for the area;
- (iv) a plan for the construction or improvement in the area of municipal services, schools, playgrounds, community buildings and other public facilities;
- (v) a description of the methods planned for municipal direction and control of the use of land in the area, including zoning, building controls and standards of occupancy of buildings in the area; and
- (vi) a description of the methods planned for the improvement, rehabilitation or replacement of privately owned facilities, including housing accommodation that will continue in the area, and the techniques planned for retarding such facilities from becoming substandard.

The Housing Commission may make grants or loans to persons, firms or corporations for the purposes of neighbourhood improvement.

With the approval of the Housing Commission, municipalities can enter into agreement for the carrying out of neighbourhood improvement studies and for the preparation and carrying out of neighbourhood improvement plans. Municipalities have, under the Act, all the powers necessary to carry out such plans.

- (3) Information on the use of scientific and technical knowledge and of international cooperation for developing and improving housing construction, including safety measures against earthquakes, floods and other natural hazards;

Under this heading, building standards, and contingency planning against natural and man-made hazards will be briefly reviewed.

(i) Building standards

The National Building Code published by the Associate Committee on the National Building Code of the National Research Council is the main guide followed in Nova Scotia for building construction. The Code was discussed in the federal part of this report in the section on the right to housing.

The House of Assembly of Nova Scotia adopted, in 1977, the Building Code Act, S.N.S. 1977, c. 5, which authorizes the Governor in Council to make such regulations as are considered necessary or advisable for the purpose of establishing a provincial building code governing minimum standards for the construction and demolition of buildings, and for regulating and controlling the use of materials, equipment and appliances in the construction of buildings.

Among other things regulations can be made providing for the adoption by reference of the National Building Code of Canada, or any other code issued by the Associate Committee on the National Building Code of the National Research Council of Canada, or the Canadian Code for Residential Construction.

As the Building Code Act had not yet been proclaimed by the end of 1981, there was then no mandatory building standards regulations at the provincial level. However, in the case of projects put forward by companies under the terms of the Housing Development Act, the Housing Commission may inspect plans, specifications, costs and location of all housing units which they intend to build, prior to the erection of the units and approve or disapprove of them. The Commission can also inspect the construction of such housing units, and examine them from time to time after they are constructed.

It should also be noted that municipalities generally use the standards of the National Building Code as guidelines for

building construction in the municipality. Sometimes they impose additional regulations which may contain even higher standards than those of the National Building Code.

(ii) Contingency planning against natural and man-made hazards

The Emergency Measures Act, R.S.N.S. 1967, c. 87, authorizes the minister responsible for its administration to prepare plans for civil defence in the event of civil disasters such as flood, earthquake, tempest, or other like cause. Under the terms of the Act, "civil defence" includes the planning, organization, establishment, and operation, of salvage, precautionary, and safety measures, controls, facilities and services of all kinds necessary or desirable in the public interest for meeting, preventing, reducing and overcoming the effects of a civil disaster. Under the Act municipalities can take similar steps at the local level.

An Emergency Measures Organization was set up under the Act to coordinate emergency plans with the municipalities. In the event of an emergency the municipality takes primary responsibility. If needed the Emergency Measures Organization provides assistance in terms of expertise and resources. If financial assistance is needed the province seeks aid from the Government of Canada on the basis of the Guidelines for Peace Time Disaster Costs Eligible for Financial Assistance under which the province can receive financial help for the costs in excess of a per capita threshold agreed to by the federal and provincial governments.

- (4) Information on measures taken or envisaged to solve the special problems of housing, water supply and sanitary conditions in rural areas;

Programs were launched in cooperation with the Government of Canada for the upgrading of existing water and sewer systems or the development of new systems in small rural communities.

The Province of Nova Scotia has entered into a five year agreement with the Government of Canada for the delivery of housing under the Rural and Native Housing Program of the Canada Mortgage and Housing Corporation. The Province bears 25 per cent of the costs of new houses built under the program.

- (5) Measures taken for the protection of tenants such as rent control and legal guarantees;

Measures for the protection of tenants can be found in the Human Rights Act, reviewed above under heading D.(1), in the Residential Tenancies Act, S.N.S. 1970, c. 3, which regulates relations between landlords and tenants, and in the Rent Review Act, S.N.S. 1975, c. 56, which provides for the review of all rent increases in excess of increases authorized by the Lieutenant Governor in Council.

The Residential Tenancies Act defines the rights and obligations of landlords and tenants. With regard to the protection of tenants the Act provides, among other things, that the landlord shall keep the premises in a good state of repair and fit for habitation, that services regularly provided to the tenant shall not be discontinued, and that, except in the case of an emergency or for the purpose of showing the premises to prospective new tenants or purchasers, once a notice of termination has been given, the landlord shall not enter the premises without the consent of the tenant.

The tenant has the right to sublet the premises subject to the consent of the landlord which cannot be arbitrarily or unreasonably withheld and at no costs to the tenant other than to cover the expenses encountered by the landlord in the granting of the consent. It should be noted that, in public housing, subletting is not permitted as this is subsidized housing which can be occupied by low-income people on the basis of established need.

The Act provides that, except where the landlord and tenant agree in writing upon a period of notice, notice to quit the premises shall be given by the landlord or tenant at least three months before the expiration of the year when the premises are let from year to year, and three months by the landlord and one month by the tenant when the premises are let on a monthly basis. In special circumstances, particularly in public housing, shorter notices could be applied.

Other features of the Act include a provision to the effect that the landlord shall provide the tenant with a copy of the lease signed and a copy of this Act without cost to the tenant within ten days of the signing of the lease, and a provision to the effect that a landlord cannot hold or dispose of a tenant's personal property except in accordance with an order of a provincial magistrate.

The Act empowers the Lieutenant Governor in Council to establish residential tenancies boards composed of three or more persons. Eight such boards were established each one being responsible for an area designated as a Residential Tenancies Area. The function of the residential tenancies board is to investigate and review matters affecting landlords and tenants and provide and disseminate information concerning rental practices, rights and remedies; and to mediate disputes between landlords and tenants and give advice and direction to landlords and tenants in disputes.

Complaints concerning violations of the Act or matters concerning relations between landlords and tenants can be made before a provincial magistrate by way of the provisions of the Summary Proceedings Act.

Requests made by a landlord can be refused if they appear to be in retaliation for a tenant attempting to secure or enforce his or her rights under the Act.

Finally, the Act provides that a landlord shall give the tenant a notice in writing of his intention to increase the rent and state the proposed amount of the increase at least three months before he receives, demands or negotiates an increase in the rent payable by the tenant.

Rent increases have been regulated since 1975 with the adoption of the Rent Review Act. In 1975 and 1976 the standard allowable increase was eight per cent. Since 1977 the percentage has been determined by the Lieutenant Governor in Council who must make the determination for each year before the first day of September in the previous year. For the years 1977 and 1978, the rate was six per cent; for the subsequent years including 1982, it was four per cent.

A landlord, however, may increase the rent of residential premises in excess of the per centum increase authorized, after first having given three months notice to the tenant, upon application to a residential tenancy officer appointed under the Residential Tenancies Act, and upon being authorized by an order of the residential tenancy officer or an order of the Rent Review Commission, following a review of the order of the residential tenancy officer on its own initiative or at the application of the landlord or the tenant. The Rent Review Commission was established under the Rent Review Act for the purpose of reviewing rent increases in excess of the per annum standard allowable increase for properties in existence when the Act was adopted.

This situation in public housing is different. Public housing does not come under the Rent Review Act. Rent in such cases is based on income, and so are rent increases.

- (6) Statistical and other available data on the realization of the right to housing

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

- A. Principal laws, administrative regulations, collective agreements and other types of arrangements designed to promote and safeguard the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and relevant court decisions, if any.

The particulars of Nova Scotia's health system will be outlined below under headings B - (5) and (6). Measures related to the prevention and control of diseases, communicable diseases in particular, as well as measures related to the prevention of occupational diseases and accidents will be reviewed under heading B - (4). Measures related to the reduction of infant

mortality and the healthy development of children will be reviewed under headings B - (1) and (2). And measures related to the protection of the environment will be reviewed under heading B-(3).

The laws which will be reviewed under those headings are the following.

The Health Act, R.S.N.S. 1967, c. 247, which sets out the departmental organization of the Department of Health and provides for the appointment of boards of health, medical health officers and inspectors. The provisions of this act which relate to the objects of the present report will be reviewed under headings B - (3) and (4) below.

The Health Services and Insurance Act, S.N.S. 1973, c. 8, which constitutes the Health Services and Insurance Commission and provides for the payment of insured health services to residents of Nova Scotia, as will be explained under heading B-(5).

The Hospitals Act, R.S.N.S. 1967, c. 249, which gives the Minister of Health broad powers over the operation, construction and improvement or renovation of all hospitals in the province.

The Environmental Protection Act, R.S.N.S. 1967, c. 6, which provides for the protection of the environment, as will be explained under heading B-(3).

The Water Act, R.S.N.S. 1967, c. 335, in as much as it relates to the protection of the environment (heading B-(3)).

The Industrial Safety Act, R.S.N.S. 1967, c. 141, the Construction Safety Act, R.S.N.S. 1967, c. 52, and the Workers' Compensation Act, R.S.N.S. 1967, c. 343, with regard to the prevention of occupational diseases and accidents.

There are numerous additional legislative provisions which deal with health or health related matters. Provisions which appear to have some relevance to the right to health and the subject matters under review will be accounted for briefly in the following paragraphs.

The Health Councils Act, S.N.S. 1970, c. 7, provides for the constitution of a Nova Scotia Council of Health to advise and assist the Minister of Health on any matter relating to health.

The Hospital Services Planning Commission Act, S.N.S. 1957, c. 3, constitutes a Hospital Services Planning Commission which is empowered to assess present and future hospital needs in the province, and the means available to finance such services.

The Hospital Education Assistance Act, S.N.S. 1975, c. 11, allows financial assistance by the Minister of Health to the Izaak

Killam Hospital for Children or the Halifax County Hospital in connection with education programs.

The Homes of Special Care Act, S.N.S. 1976, c. 12, provides for the licensing and control of nursing homes.

The Hospitals Act sets up procedures for the treatment of persons who are incapable of consenting to required medical or surgical treatment; it also fixes the procedure and criteria for committing (i.e., involuntary confining) patients in mental institutions, together with a procedure for automatic and discretionary review of such confinement.

The Narcotic Drug Addicts Act, R.S.N.S. 1967, c. 205, allows the Minister of Health to give notice to a narcotic drug addict requiring him/her to submit himself/herself for treatment and to continue such treatment until cured; the Act allows a court to order that an addict be committed to an institution for treatment, and requires provision of places for examination, treatment, and detention of addicts.

The Cancer Treatment and Research Foundation Act, S.N.S. 1980, c. 2, constitutes the Cancer Treatment and Research Foundation of Nova Scotia, with the objectives of aiding in research, treatment and public education concerning cancer.

The Drug Dependency Act, S.N.S. 1972, c. 3, constitutes the Nova Scotia Commission on Drug Dependency and gives it the responsibility to conduct programs dealing with drug dependency.

The Human Tissue Gift Act, S.N.S. 1973, c. 9, provides procedures for both inter vivos and post-mortem transplanting of organs and other bodily parts and for the donation of dead bodies for therapeutic, scientific and medical education purposes.

Finally, the practice of medicine and para-medical professions is regulated through a number of laws. The general model is the following: the act defines the profession and constitutes a body which has the responsibility to regulate the profession, mainly by defining the professional requirements for practicing it, issuing licences, disciplining members, and dealing with other matters related to the practice of the profession. The list of the laws dealing with the various medical and para-medical professions follows.

- The Chiropractic Act, S.N.S. 1972, c. 5;
- the Dental Act, R.S.N.S. 1967, c. 75;
- the Dental Technicians Act, R.S.N.S. 1967, c. 76;
- the Denturists Act, S.N.S. 1973, c. 5;
- the Dispensing Opticians Act, S.N.S. 1968, c. 7;
- the Medical Act, S.N.S. 1969, c. 15;
- the Medical Radiation Technologists Act, R.S.N.S. 1967, c. 180;

the Nursing Assistants Act, R.S.N.S. 1967, c. 215;
the Occupational Therapists Act, S.N.S. 1970, c. 11;
the Optometry Act, R.S.N.S. 1967, c. 218;
the Pharmacy Act, R.S.N.S. 1967, c. 229;
the Physiotherapy Act, R.S.N.S. 1967, c. 230;
the Professional Dietitians Act, S.N.S. 1973, c. 11;
the Psychologists Act, S.N.S. 1980, c. 14; and
the Registered Nurses' Association Act, R.S.N.S. 1967, c. 264;

B. Information on:

(1) Measures taken to reduce the stillbirth-rate and infant mortality;

Measures to reduce infant mortality include the measures mentioned under Article 10(2) in the discussion of "Pre-natal and post-natal protection and assistance".

Practically all births in Nova Scotia occur in hospitals under the control of a medical practitioner. The stillbirth ratio per 1,000 live births declined in Nova Scotia from 9.8 in 1971 to 6.5 in 1977. Deaths under one year of age per 1,000 live births declined from 18.6 in 1971 to 13.8 in 1976.

(2) Measures taken for the healthy development of children;

Measures taken for the healthy development of children include measures discussed under article 10, in section B "Maternity Protection" and more particularly in section C "Protection of Children and Young Persons".

A large specialized children's hospital exists in Halifax. Well-baby clinics exist throughout the province and are used extensively. Free dental care is available over a wide range of services for children born on or after January 1, 1967. School health programs are provided which include hearing and vision testing, inspections by public health nurses, health and dental education. A wide range of community nutrition programs is provided, including preventive, educational and promotional services. Consultation is provided respecting school feeding programs and counselling in nutrition is provided to students. Specialized psychiatric services have been established for children.

(3) Measures taken to protect and improve all aspects of environmental and industrial hygiene, to prevent air, land and water pollution, to overcome the adverse effects of urban development and industrialization, etc.;

Measures to protect and improve environmental and industrial hygiene can be found in the following acts which will be reviewed below and in their regulations:

the Environmental Protection Act, R.S.N.S. 1967, c. 6;
the Water Act, R.S.N.S. 1967, c. 335; and
the Health Act, R.S.N.S. 1967, c. 247.

(i) Environmental Protection Act

The Environmental Protection Act, R.S.N.S. 1967, c. 6, is the principal law dealing with the environment in Nova Scotia. The purpose of the Act is to provide for the preservation and protection of the environment. To achieve this objective the Act provides for a number of control mechanisms under the authority of the Minister of the Environment who has the responsibility for the general supervision and control of the management, preservation and protection of the environment and who must ensure that all practical measures are taken in accordance with the Act and other legislative enactments to preserve the environment from deterioration and to provide the best use of renewable resources for the benefit of the people of the province. The Minister is vested with the powers necessary to enforce the Act including the power to prescribe standards, to make regulations with the approval of the Lieutenant Governor in Council, and to appoint inspectors.

The following paragraphs outline some of the measures which can be taken to achieve the purposes of the Act.

Any person whose activities cause the discharge of waste into the environment or otherwise cause or tend to cause pollution must obtain a permit from the Minister of the Environment. Such a permit may be refused, or granted under terms and conditions prescribed by the Minister. The person may be required to measure or monitor the discharge in such a manner as prescribed by the Minister and to report the results to the Minister.

In the case of the construction of new plants or of the alteration of existing operations, where there is a likelihood that pollution may result or that waste may be discharged into the environment, plans and specifications must first be approved by the Minister.

A person responsible for an existing source of waste discharge or other pollution may submit to the Minister a program to prevent or to reduce and control the existing or additional emission or discharge into the environment. The Minister may approve such a program.

Where a person is responsible for the operation of a plant that is believed to cause pollution or to contravene regulations or standards prescribed, the Minister may issue an order directing to cease the contravention; the order may go as far as directing to immediately stop operations or to shut down, either permanently or for a specified period of time, when the Minister

believes there is an immediate danger to human life, to the health of a person, to property, or that there is a likelihood of irreparable or irreversible damage to the environment.

The Minister of the Environment may order remedial action to be taken to control, combat, eliminate or mitigate a cause of pollution. If a person to whom such an order is directed fails to comply with it, the Minister may take the remedial action required and recover the cost as a debt due by that person. When the pollution cannot effectively be remedied, the Minister can also recover damages against the person causing the pollution.

Finally, fines can be imposed for violation of the provisions of the Act. A fine of not more than \$5,000 can be imposed on the first conviction and of not more than \$10,000 on each subsequent conviction for every day upon which such offence occurs or continues.

The Act provides for the establishment of a council, called the Environmental Control Council, consisting of not less than 12 and not more than 15 members. Eleven members of the Council must be representatives of 11 different sectors of activity, the others being appointed on the recommendation of the Minister of the Environment. The Deputy Minister of the Environment is ex officio member of the Council.

The Council is responsible to the Minister of the Environment. Among other things it is the function of the Council and it has the power to:

- recommend to the Minister policies, planning and programs related to the preservation and protection of the environment;
- review and appraise programs and activities of other persons, government departments and agencies in light of their impact or effect upon the environment and make recommendations to the Minister;
- inquire into and report to the Minister upon any matter pertaining to the preservation and protection of the environment;
- recommend to the Minister regulations and standards for the preservation and protection of the environment.

The Council must meet at least three times a year. Between meetings, its business is conducted by its Executive Committee which consists of the chairman and two other members selected by the Minister. The Deputy Minister of the Environment is ex officio member of the Committee. The Committee has the power to make recommendations to, and advise, the Council and Minister

concerning control programs, approvals, permits and orders as well as other matters at the request of the Council or Minister.

The Minister at any time may authorize the Council or the Committee to review decisions made or conduct and hold hearings in relation to plan approvals, permits, orders made by the Minister or Deputy Minister and any other matter pertaining to the preservation and protection of the environment and report and make recommendations to him in relation thereto.

Other features of the Act include a provision to the effect that in case of conflict with the provisions of any other act or a by-law of a municipality, the provisions of the Environmental Protection Act prevail.

(ii) Water Act

The main purpose of the Water Act, R.S.N.S. 1967, c. 335, is to establish the proprietary ownership of the province in the inland water resources. Under the Act, the Minister of the Environment may, among other things, prohibit the discharge of any material into a water course, approve water works and order alterations to water works where in the opinion of the Minister of Health the quality of the water in any existing water works is a menace to the public health, and approve sewage works and order alterations to sewage works. Section 16 of the Act provides that, unless approved by the Minister of the Environment, no municipality or person shall discharge or deposit or cause or permit a discharge or deposit of any material of any kind into or in any well, aquifer, lake, river, stream, creek, pond, spring, lagoon, swamp, marsh, wetland, reservoir, or other water or water course or on any shore or bank thereof or into or in any place that may cause pollution or impair the quality of the water for beneficial use.

(iii) Health Act

The Health Act, R.S.N.S. 1967, c. 247, contains provisions dealing with sanitation in such areas as water wells, sewage and garbage disposal systems, and with the control of ionizing devices that can cause radiation hazards.

The Minister of Health, with the approval of the Lieutenant Governor in Council, may make regulations, among other things:

- to provide for safe and potable water supplies, for the control of sources of water and systems of distribution, and for the purpose of preventing contamination or pollution of water that is used for human consumption;
- respecting public drains and sewers and for preventing pollution of lakes and streams;
- relating to the collection and disposal of garbage and refuse; and

- for preventing or reducing air pollution.

- (4) Comprehensive schemes and specific measures, including vaccination programmes to prevent, treat and control epidemic, endemic, occupational and other diseases and accidents in urban and rural areas;

Measures to prevent, treat and control epidemic, endemic and other diseases are provided for mainly in the Health Act, R.S.N.S. 1967, c. 247. Measures related to the prevention of occupational diseases and accidents can be found in the Industrial Safety Act, R.S.N.S. 1967, c. 141, in the Construction Safety Act, R.S.N.S. 1967, c. 52, and in the Workers' Compensation Act, R.S.N.S. 1967, c. 343.

(i) Health Act

The Health Act deals with measures that are principally related to the protection of public health and the safeguards against communicable diseases. The Act creates various mechanisms to facilitate its enforcement including municipal boards of health, city health units, medical health officers and municipal inspectors.

(a) Protection of public health

The Act contains a number of provisions dealing with sanitation requirements in various areas such as water and sewage disposal systems, garbage disposal, contaminated water and ice, the production and handling of milk and foodstuffs and the operation of ionizing devices.

(b) Safeguards against communicable diseases

In order to prevent the spread of communicable diseases, the Act provides a number of measures including: the restriction of movement for people suffering from such a disease; gratuitous vaccination and inoculation for the prevention and control of such diseases; mandatory vaccination for the purpose of preventing smallpox; the closing of schools and the prohibition of public gatherings on the outbreak or threatened outbreak of an epidemic; the notification to the medical health officer within 24 hours when it is found or believed that a person is infected with a notifiable disease other than a venereal disease; the isolation of patients suffering from a communicable disease; the putting under quarantine of places where such a disease prevails; and restrictions on school attendance for students and teachers who come from a household where a communicable disease has been found.

(c) Other measures

The Act also contains special provisions concerning tuberculosis, venereal disease, and cancer.

Tuberculosis

The Act contains provisions for the reporting of persons suspected of having had or having any form of tuberculosis. Such a person can be submitted to compulsory examination and if found suffering from the disease can be submitted to compulsory detention in a sanatorium for a renewable maximum period of up to one year.

There are provisions concerning the disinfection of a house or dwelling which was previously occupied by a person having tuberculosis as well as provisions concerning the employment of persons having tuberculosis in occupations that would bring them in contact with other persons or involve the handling of foodstuffs.

These measures were enacted when tuberculosis was a major disease in Canada. The disease has since been almost entirely eradicated.

Venereal disease

Every medical practitioner and every superintendent or other responsible head of any hospital, laboratory, training school, college, public institution or place of detention shall maintain a record of all persons suffering from venereal disease coming under his treatment or supervision and shall report to the Minister of Health the name and address of every such person specifying the disease with which such person is infected and giving such other information as the Minister may from time to time require.

Any medical health officer or any person thereunto authorized in writing by the Minister may examine or cause to be examined by any qualified medical practitioner, any person, with or without his consent, in order to ascertain whether such person is infected with any venereal disease and may detain and treat any such person if found or suspected to be so infected until it is certified by a duly qualified medical practitioner that the danger of communication of such infection to other persons no longer exists.

The Minister may make provisions for the prevention of venereal disease, including ophthalmia neonatorum, and for the examination and treatment, free of charge, of any person or persons suffering from or suspected of suffering from venereal disease.

Cancer

The Act provides for the reporting of cases of cancer to the Director of the Nova Scotia Tumour Clinic or such other person as may be designated by the Minister.

(ii) Industrial Safety Act

The Industrial Safety Act, R.S.N.S. 1967, c. 141, provides that every employer shall keep his industrial establishment in such a manner that the safety and health of persons in the establishment is not likely to be endangered.

The Act provides for the appointment of inspectors to inspect industrial establishments to ascertain that safety standards are respected. Where an inspector considers that there is a source of danger in an industrial establishment, he can give directions to the employer or owner of such an establishment directing him to take measures to protect the safety or health of any person against dangers identified in the establishment. The inspector can also direct that any place, matter, machine, device or thing that is a source of danger not be used until his directions are complied with.

The Lieutenant Governor in Council may make regulations respecting such matters as he considers necessary or expedient to ensure the safety, health and welfare of persons in or about industrial establishments. Regulations were adopted covering a number of subjects including occupational health.

Under the Act the Minister of Labour and Manpower may undertake programs to promote safety and health and to prevent accidents to persons in the course of their employment.

Violations or failure to observe the provisions of the Act or the regulations or orders or directions given pursuant to the Act are subject, on summary conviction, to penalties which may take the form of fines or imprisonment.

(iii) Construction Safety Act

With regard to safety in the construction industry, the Construction Safety Act, R.S.N.S. 1967, c. 52, contains provisions similar to those of the Industrial Safety Act.

(iv) Workers' Compensation Act

The Workers' Compensation Act, R.S.N.S. 1967, c. 343, contributes to the prevention of occupational diseases and accidents principally by providing for the establishment of an industrial accident prevention division within the Workers' Compensation Board and by providing for the appointment of an executive committee on industrial accident prevention consisting of four representatives of employers, two representatives of employees, the Director of Industrial Safety of the Department of Labour and a representative of the Workers' Compensation Board. The duties of the Committee are:

- (a) to develop safety education and safety promotion programs, coordinate the industrial accident prevention programs of firms, industries and industrial associations with one another and with the activities of the Industrial Accident Prevention Division of the Board, and to maintain liaison with the Industrial Safety Division of the Department of Labour;
 - (b) to receive work injury statistical reports and develop industrial and individual firm programs designed to reduce industrial work injuries through educational courses, in plant safety committees, safety promotion and such other means as it may deem desirable from time to time;
 - (c) to analyse work injuries, accident trends and indices and other accident information for the purpose of establishing recommended programs of inspection and accident prevention education for industrial firms within the province;
 - (d) to carry out investigations in matters relating to employment safety, to determine what safety devices or other means should be adopted or followed by employees and employers to reduce the number or severity of accidents;
 - (e) to recommend new safety regulations and amendments to existing regulations;
 - (f) to carry out such other duties in connection with industrial accident prevention as the Executive Committee may from time to time determine or as may be requested by the Board.
- (5) Comprehensive plans and specific measures to assure to all age groups and all other categories of the population, including in particular in rural areas, adequate health services including adequate medical attention in the event of sickness or accident;

Nova Scotia's health insurance programs are designed to provide payment for a broad range of medically required hospital, medical, dental, optometric and pharmaceutical services on behalf of eligible residents.

The medical, dental, optometric and prescription drug insurance programs are administered by Maritime Medical Care Incorporated on a non-profit basis on behalf of the Nova Scotia government. Policy direction for the programs is provided by the Health Services and Insurance Commission. The hospital insurance program is administered directly by the Department of Health.

Eligibility

Eligibility requirements for all Nova Scotia health insurance programs are identical.

As a general rule, anyone who has been registered and is normally resident in Nova Scotia, except members of the Canadian Armed Forces and the Royal Canadian Mounted Police who are covered by the Government of Canada, is eligible to receive insured services.

Persons establishing permanent residence in Nova Scotia from elsewhere in Canada will become eligible for insured health services programs on the first day of the third month immediately following the month in which they become residents of Nova Scotia. Coverage will be continued from the new resident's former province thus providing for continuity of coverage.

Persons from outside Canada establishing permanent residence in Nova Scotia will become eligible on the day they become a resident of the province.

Permanent residents include returning Canadians or those who have landed immigrant status.

A person who is a tourist, a transient or a visitor to Nova Scotia does not qualify as a resident of the province and, accordingly, is not eligible for health insurance benefits.

Students normally resident in Nova Scotia who are in full-time attendance outside the province, will be covered for 12 months provided they return home at least once during the period. The period of absence is renewable as often as appropriate.

Students from other provinces will normally be covered by insured health services programs in their home province unless they will be residing in Nova Scotia continuously for at least 12 months and do not return home at any time during the year.

For people temporarily absent from Nova Scotia, coverage continues to be in force anywhere in the world providing the absence is only temporary. The period of coverage will vary according to the circumstances surrounding the temporary absence.

Insured physicians services

The Nova Scotia Medical Services Insurance is the provincial plan of medical services insurance. It is designed to make payment toward the cost of a wide range of medically required physicians services as well as certain dental, optometric and pharmaceutical services.

Payment is provided for the following physicians' services when medically required:

- Doctors' services in the office, at the hospital or at patient's home.
- All necessary surgical services, including the services of anaesthetists and surgical assistants where necessary.
- Complete obstetrical care, including pre-natal care, confinement, post-natal care and new born care or any complications of pregnancy such as miscarriage or cesarean section.
- Sterilization procedures, both male and female.
- Treatment of fractures and dislocations.
- All necessary referred specialists services, including consultations.
- All necessary diagnostic services.
- Eye examinations including retractions.
- Well-baby care and physical examinations where deemed medically needed.

Insured Dental Services

There are two basic dental care insurance programs available. One covers dental services for a specific group of children and the second covers dental surgical in-hospital services for all eligible residents. Special programs are also available in special cases such as persons with cleft palate, mentally retarded persons and those attending the Sir Frederick Fraser School for the Blind.

The Children's Dental Program provides payment for the following dental services: diagnostic, preventive, preventive orthodontic, restorative dentistry, endodontics, periodontics, oral surgery and laboratory services, when dentally required and when provided to an eligible child who was born on or after January 1st, 1967.

For all eligible residents, certain dental surgical procedures are insured, when it is medically required that they be performed in hospital by a dentist.

Insured Prescription Drug Services

Pharmacare is a prescription drug insurance plan which provides payment toward the cost of these preparations which are normally prescribed by a doctor or dentist in the course of treatment and dispensed by a pharmacist.

Pharmacare is available to all residents of Nova Scotia who have been registered under the Medical Services Insurance Program and who are 65 years of age and over.

Insured optometric services

Vision analyses by optometrists, including the determination of refractive status of the eye, the presence of any observed abnormality in the visual system, and all necessary tests and prescriptions connected with such determinations are available to all residents who are registered under the Medical Services Insurance Program.

Special programs

Special programs available are: prosthetic services (standard arm and leg prosthesis); assistance to cystic fibrosis patients; drugs for cancer patients and for those suffering from diabetes insipidus.

Hospital insurance

Hospital insurance is a program sponsored by the Nova Scotia Government to provide insurance for a broad range of medically necessary hospital in-patient and out-patient services received by eligible residents of the province.

The Hospital Insurance Program covers residents of Nova Scotia for in-patient services which are required because of an accident or attack of illness while they are temporarily absent from Nova Scotia. Out-patient services in hospitals outside of Nova Scotia are also insured services under the Hospital Insurance Plan.

If a resident is referred by his/her doctor to a hospital outside Nova Scotia for special treatment, the doctor must obtain the approval of the Department of Health before the patient leaves the province. The services may not be insured if they are available in Nova Scotia and the main purpose of the referral is the patient's preference to be hospitalized elsewhere.

(6) Main features of existing arrangements for the provision of medical care and methods of financing them.

The costs of the health insurance services are financed through the general revenues of the province and through fiscal arrangements between the federal and provincial governments. Prior to 1977, the federal government was reimbursing the province half of the total costs of the medical services covered under federal-provincial agreements, that is almost all services provided by the province. In 1977, the Parliament of Canada adopted the Federal-Provincial Fiscal Arrangements and Established Programs Financing Act, 1977, which provided that the federal contributions to the provincial governments would correspond to a percentage of income tax transferred to the

provinces. A five year arrangement was made in 1977, and renewed in 1982.

Residents of Nova Scotia do not pay any premium for the health insurance services for which they are covered.

The services rendered are normally free. However, if the doctor, or dentist or optometrist chosen by the patient does not participate in the plan, the patient will be required to pay directly for the services rendered and may then submit a claim to Medical Services Insurance who will pay the amount that would have been paid to a participating practitioner for the same service.

The Health Services and Insurance Act provides that physicians, dentists, and optometrists may charge a fee in excess of the amount Medical Services Insurance will pay for an insured service provided (a) the patient is advised in advance of receiving the service of the practitioner's intention to make an extra charge, (b) the patient, or some other person acting on his or her behalf, consents in writing to the extra charge, and (c) the amount of the extra charge is made known to the Commission.

If a pharmacy is participating in Pharmacare, users pay no fees for drugs and related services covered. If the pharmacy is not participating in the plan, users pay directly for the services and are reimbursed an amount equal to the amount covered in the case of participating pharmacies.

C. Statistical and other available data on the realization of the right to health, in particular, statistics on infant mortality, number of doctors per inhabitant, number of hospitals and hospital beds, etc.

Statistical information on the general mortality rate, on infant mortality, on the number of doctors per inhabitant, and on the number of hospitals and hospital beds is provided below. Statistical information on these subjects is also provided in an appendix to this report.

Mortality rates

Between 1921 and 1977 the standardized (age-adjusted) death rate in Nova Scotia has consistently declined, from 12.5 per thousand population in 1921 to 6.6 per thousand population in 1977. During the same period the national rate declined from 12.9 in 1921 to 6.3 in 1977.

Infant mortality

During the period 1921-1977 infant deaths declined from 100.7 per thousand livebirths in 1921 to 11.6 in 1977. For the whole of

Canada, the rate had declined from 102.1 per thousand livebirths in 1921 to 12.4 in 1977.

In 1980 the death rate of infants under one year was 10.9 per thousand live births while the rate for the whole of Canada was 10.4. The rate of perinatal deaths (i.e., foetal deaths of 28 or more weeks' gestation plus infant deaths under 7 days (1 week) of age) was 11.3 per thousand total births, and the rate of neonatal deaths, (i.e., death under 28 days of age) was 7.0 per thousand livebirths. The rate of post-neonatal deaths (i.e., deaths between four weeks and one year of age) was 4.0 per thousand livebirths.

Number of doctors per inhabitants

According to the Canadian Health Manpower Inventory compiled by the Department of National Health and Welfare the ratio physicians/inhabitants was one physician per 541 inhabitants in 1979 while the national ratio was one physician per 551 inhabitants. In 1969 the number of inhabitants per physician was 802. Between the period 1969 to 1979 the number of physicians increased from 971 to 1572.

Number of hospitals and hospital beds

In 1981, there were 55 hospitals in Nova Scotia with a total of 6,499 beds.

7. ONTARIO¹

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

- (1) "Principal laws, administrative regulations and collective agreements designed to promote protection of the family, and relevant court decisions, if any;"

Reference was made to social assistance provided under The Family Benefits Act² in the Report on Articles 6 to 9 of the Covenant pp. 270 to 282³.

The Family Law Reform Act, passed in 1978, is the centerpiece of family law reform in Ontario and sets out new rules concerning family property division, support obligations, the matrimonial home, domestic contracts and separation agreements, dependents claims for damages and abolishes certain common law actions. The Act formally recognizes the equal position of spouses as individuals within marriage and marriage as a form of partnership. The Act provides in law for the orderly and equitable settlement of the affairs of the spouses upon breakdown of the partnership and provides for other mutual obligations in family relationships, including the equitable sharing by parents of responsibility for their children. In addition, the Act provides for the equal division of family property recognizing that inherent in the marital relationship there is a joint contribution whether financial or otherwise by the spouses which entitles each spouse to a basic equal division of family assets. The Act also states that child care, household management and financial provision are the joint responsibility of both spouses. It eliminates from law any formal presumptions about the respective set roles within marriage.

Part II of the Act deals with support obligations. Support is now ordered on the primary basis of need and other facts. Moral conduct of family members will rarely be taken into account. A parent is obliged to support an unmarried child under 18 unless a child of 16 or 17 has withdrawn from parental control without parental consent. Support obligations apply to children born inside or outside marriage and include a person whom a parent has

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1. Report prepared by the Province of Ontario. Information contained in this report was current as of 1980.
 2. Most of the texts of laws referred to in this part (some 55 of them including some in both of Canada's official languages) together with various other documents are being forwarded to the Secretary-General of the United Nations Organization as reference material along with this report.
 3. Pages 242 to 252 of U.N. document E/1978/8/Add.32.

demonstrated a settled intention to treat as a child of his or her family.

- (2) "Guarantees of the right of men and women to enter into marriage with their full and free consent and to establish a family; measures taken to abolish such customs, ancient laws and practices which may affect the freedom of choice of a spouse;"

The Marriage Act passed in 1977 sets forth the basic requirements for those wishing to marry in Ontario. The Act states that any person who is of the age of majority (over 18 years) may obtain a licence or be married under authority of publication of banns, provided no lawful excuse exists to hinder the solemnization (lawful excuse refers to circumstances such as a prior existing marriage, relationship between the prohibited degrees, or lack of consent due to threats, mistake or insanity).

The Act prohibits anyone from conducting a marriage ceremony where one of the parties is 16 to the age of majority unless the parents of the person consent. However, if the parents are unavailable or they unreasonably or arbitrarily withhold their consent, a minor 16 years old may make an application to a judge to dispense with parental consent (section 6(1)). There is a ban in Ontario on the marriage of anyone under 16 years of age.

- (3) "Measures to facilitate the establishment of a family such as subsidies or installation grants, provision of housing and other benefits;"

In 1975 a First Home Buyer Grant Program was introduced. In its nine month duration 90,000 families received grants of \$1,500 from the province to assist in purchasing their first home.

- (4) "Measures aimed at maintaining, strengthening and protecting the family, such as family allowances, tax exemption facilities and child-care institutions, etc."

The federal Income Tax Act and the Ontario Income Tax Act allow exemptions for dependent spouses and children. These exemptions have been indexed to the cost of living since 1974. In 1979, the married exemption was \$2,320, and the exemption for wholly dependent children under 15 years of age was \$500. Child care expenses up to \$1,000 may be deducted for income tax purposes.

Reference was made to the social assistance benefits available to families under The Family Benefits Act in the Report prepared by Ontario under Article 9 of the Covenant, pp. 270 to 282⁴.

Severely Handicapped Children's Benefit. Ontario pays a benefit to low or middle-income families who have a severely handicapped

child (i.e., one who is unable to perform one or more basic life skills such as walking, communication, etc.). This benefit is paid under the authority of The Family Benefits Act and is available to persons who are not otherwise recipients of social assistance.

The amount granted depends upon the needs of the child, the family size and total family income. A special committee assesses the child's need and the family's financial circumstances and recommends the amount of the benefit, normally between \$25 and \$150 per month.

The intent of the program is to assist parents to care for a child at home who might otherwise be placed in an institution.

The Day Nurseries Act, passed in 1978, established certain standards for the operation of day nurseries.

These standards are enforced through the licensing of operators of day nurseries. Licensed operators are periodically inspected to ensure compliance with the legislation and with any conditions attached to their licence. Failure to comply may result in revocation of a licence. The Act also provides financial assistance through subsidies to parents who are found to be "in need" and to parents of handicapped children.

The impetus for the past few years has been to encourage the development of integrated centres where children who are physically or developmentally handicapped participate in programs along with other children. This is part of the concept of normalization which is currently being stressed by the Ministry of Community and Social Services.

B. Maternity protection

- (1) "Principal laws, administrative regulations and collective agreements governing the various aspects of maternity protection and relevant court decisions, if any;"

The Employment Standards Act of Ontario prohibits dismissal for pregnancy and provides for a flexible 17 week unpaid leave of absence for employees with a minimum of one year and 11 weeks of service with an employer prior to the expected date of delivery. An employee who returns to work must be reinstated in her position or be provided with alternate work of a comparable nature at no less than her wages at the time leave began, without loss of seniority or benefits accrued before the leave began.

The Public Service Act provides for a flexible 17 week unpaid leave of absence for employees with a minimum of one year service. An employee returning is entitled to her former position and must be paid at the step in her salary range she had attained when the leave was granted.

Under The Public Service Act, an employee who has completed more than one year of continuous service may be granted leave of absence for a period of up to six weeks for the purpose of the adoption of a child.

- (2) "Pre-natal and post-natal protection and assistance, including appropriate medical and health care and maternity and other benefits irrespective of marital status;"

Prenatal education and parenting classes, neonatal and postpartum home visits, and infant stimulation programs are available free of charge, through public health services.

Prenatal, hospital maternity and postpartum care are available through family physicians under the universal health insurance plan (OHIP) regardless of marital status. Reference is made to The Health Insurance Act in the report on Articles 6 to 9 on the Covenant, pp. 270 - 282⁵.

Pregnancy Benefits for Social Assistance Recipients

In recognition of the increased costs associated with pregnancy and care of new-born infants, pregnant women who are in receipt of either an allowance under The Family Benefits Act or general assistance under The General Welfare Assistance Act are eligible for an additional benefit of \$14 a month. This benefit may be paid for any six month period between the third month of pregnancy and the time when the baby reaches the age of six months.

Receipt of this pregnancy benefit is not dependent upon the mother's marital status, and indeed may also be paid for a female child of a recipient who becomes pregnant.

- (3) "Special protection and assistance accorded to working mothers including paid leave or leave with social security benefits and guarantees against dismissal during a reasonable period before and after childbirth;"

The Employment Standards Act prohibits dismissal for pregnancy and provides for a flexible 17 week unpaid leave of absence for all employees with a minimum of one year and 11 weeks of service with an employer prior to the expected date of delivery. The Act requires that an employee give two week's notice of the date she intends to begin her leave.

The employee is entitled to begin her leave of absence at any time within 11 weeks before the expected date of birth. No pregnant employee can be compelled, either by her employer or by

a collective agreement, to begin her leave earlier than she intends to do so. However, the employer may initiate the leave earlier if he or she can show that the employee cannot manage her normal work load adequately.

Regardless of when she began her leave, the employee is entitled to a fixed minimum post-natal leave of six weeks after the actual date of birth. If a woman wishes to return to work less than six weeks after the birth, she must provide her employer with one week's notice of her intention to return and a medical certificate stating that she is fit to resume her duties.

The Act ensures the pregnant employee's right to return to the same or comparable job without loss of seniority or drop in salary. Pregnancy leaves of longer than 17 weeks may be arranged by mutual agreement with the employer, or negotiated through collective agreements but, in such cases, the type of job to which the employee will return is beyond the jurisdiction of the legislation and is also open to negotiation. Women taking pregnancy leave may be eligible for Unemployment Insurance benefits, a provision of the federal government.

- (4) "Specific measures, if any, in favour of working mothers who are self-employed or participating in a family enterprise, especially in agriculture or in small crafts and trades, including adequate guarantees against loss of income;"

Reference is made to provisions for working mothers in the Report on Articles 6 to 9, pp. 270 to 282⁶.

- (5) "Specific measures designed to assist mothers to maintain their children in the case of their husband's death or absence."

Reference was made to the social assistance programs available to sole-support mothers in the Report prepared by Ontario on Articles 6 to 9 of the Covenant, pp. 270 to 282⁷.

Since that time, the programs have been improved in several respects, two of which are notable.

Rate Increases

There have been several rate increases in the programs under The Family Benefits Act and The General Welfare Assistance Act to compensate for the rise in the cost of living dependent upon the availability of budgetary funds for this purpose.

6. Pages 242 to 252 of document E/1978/8/Add.32.

7. Idem.

As of the date of writing, sample monthly allowance and assistance rates are as follows:

	Family Benefits	General Assistance
1 parent with		
1 child age 9	360	322
2 children aged 9 & 15	421	387
3 children aged 9, 15 & 17	493	448

It is expected that a further rate increase will be forthcoming in the near future.

In the past, for the purpose of eligibility for an allowance under The Family Benefits Act, a distinction was made between mothers who had been "separated". With the passage of The Family Law Reform Act, which abolished the concept of fault as a basis for the determination of financial support obligations, a logical step was to remove the separated/deserted distinction. Since June 1, 1979, mothers who have been separated from their spouses for at least three months may now receive family benefits instead of welfare and thus receive the benefit of the higher rates of The Family Benefits Act.

C. Protection of children and young persons

- (1) "Principal laws, administrative regulations and other measures including collective agreements and court decision, if any, aimed at protecting and assisting all children and young persons, in order to give them opportunities and facilities for their healthy physical and psychosocial development without distinction or discrimination on account of birth, parentage, social origin or other conditions;"

The Children's Law Reform Act abolished the status of illegitimacy and declared that all children shall have the same legal status whether born within or outside marriage.

The Succession Law Reform Act provides that children born outside marriage have the same legal rights as children born in marriage in matters related to the inheritance of parents property.

The Infants Act declare that the father and mother of a child are joint guardians and are equally entitled to the custody, control, and education of the child.

The Child Welfare Act permits the removal of a child from his home where the child is found in need of protection because the parents have failed to meet a minimum standard of parenting. Where it is necessary to intervene to protect a child, the children's aid society must consider whether it is possible to assist the child while still in the care of his parents.

The Family Law Reform Act declares that every parent has an obligation, to the extent the parent is capable of doing so, to provide support in accordance with need, for his or her child who is unmarried and is under the age of 18 years.

The Children's Law Reform Amendment Act contains provisions relating to custody of children. The legislation is firmly based on the principle that the best interests of the child should be the focus of legal proceedings in family disputes over custody. In determining the best interest of the child the court will be directed to consider such factors as the child's views, his emotional and psychological relationships in the family, the parenting abilities of the parties, and the child's need for continuity and stability in his home environment.

The Provincial Courts Amendment Act and The Unified Family Courts Amendment Act transferred jurisdiction over observation and detention homes for children from the Ministry of the Attorney General to the Ministry of Community and Social Services and established rules for the regulations of such homes.

The Children's Mental Health Centres Act and The Children's Institutions Act were amended to provide more flexibility in the process of approval of corporations and centres for funding, greater authority to set standards and to expedite the process and permit funding levels to be set by regulation on the basis of approved budgets.

The Children's Residential Services Act expanded the requirements for licensing of residents programs for children and gave broad powers to set standards for residential care for children.

The Day Nurseries Act was amended to achieve more flexibility in funding programs offered under The Day Nurseries Act to permit payment of subsidies on the basis of levels set by regulation and on the basis of approved budgets. Greater authority to set standards was also achieved.

The Children's Probation Act enabled the provision of probation services and the appointments of probation officers for juveniles. This was required when The Correctional Services Amendment Act which formerly dealt with all aspects of probation, came into force and dealt with adults only.

The Training School Amendment Act was amended to redefine the status of ward from training school ward to Crown ward, to outline the responsibilities of wardship and provide greater flexibility of services to Crown wards.

- (2) "Special measures for the care and education of children, separated from their mothers or deprived of a family; physically, mentally, or socially handicapped children; and delinquent minors;"

Adoption

Part III of The Child Welfare Act provides the mechanism for the adoption of children. Strict control is maintained on the adoption process by providing that, except in certain limited circumstances, a child may only be placed for adoption by a children's aid society or a licensed adoption agency. In addition, it is illegal to receive payment in consideration for placement of a child for adoption.

A child of the age of seven or more must consent to his or her own adoption and a court will not make an order of adoption unless it is satisfied that the order will be in the best interests of the child.

A voluntary disclosure registry has been established so that, where the natural parent(s), the adoptive parent(s) and the adopted child all consent, information regarding the identity of the natural parent may be disclosed to the child and vice versa.

A subsidy may be paid by Ontario to adoptive parents, both before and after adoption, in order to assist the parents in meeting the cost of the special needs of an adopted child who is handicapped. The subsidy may be continued if the family moves away from Ontario, and in some cases may even be paid to parents who are residents of another province and who adopt a child from Ontario.

Protection proceedings are authorized by Part II of The Child Welfare Act. A child apparently in need of protection may be apprehended and taken into the care of a children's aid society. Within five days of apprehension the child must be brought before the family court to determine whether in fact the child is "in need of protection" (as defined in the Act). The result of such a determination may be that the child will be returned to his or her parent (or person having custody) or may be made a ward of either the Crown or a children's aid society.

Some of the features of the new child welfare legislation as it relates to protection proceedings are:

- (a) recognition of a broader "family" unit in matters affecting the future care of a child - e.g.
 - persons who have demonstrated a settled intention to treat the child as a family member;
 - foster parents who have cared for the child for a continuous six-month period;
 - putative fathers who have had some active involvement in the child's life or indicated a wish to be involved.

- (b) obligation on the child protection agency to consider assistance to the child in his home as an alternative to removal into foster care.
- (c) means by which a parent or child over 11 years of age can initiate judicial review of the child's wardship or supervision status.
- (d) "contractual care" as an alternative to court-ordered care of a child.
- (e) means by which a person can request the court to order a child protection agency to intervene to protect a child.
- (f) administrative review of permanent wards every 2 years to ensure that the child's placement meets his needs.
- (g) a statutory presumption that children over the age of 10 years have a right to be heard in proceedings in which their future care is determined.
- (h) mandatory reporting of suspected child abuse, together with penalties applicable to professionals for non-reporting.
- (i) a central child abuse registry to identify and track high-risk cases.
- (j) prohibitions on training schools as place of safety for apprehended children.
- (k) limitations on the length of time a child may be placed in care.

Parents who have a severely handicapped (mentally or physically) child may, depending on their income level and the extent of the handicap, be eligible for a benefit of up to \$150 a month, in order to encourage such parents to care for the child at home rather than being placed in an institution.

Mentally handicapped children who cannot be cared for at home may be placed in group homes under The Homes for Retarded Persons Act or in larger facilities under The Developmental Services Act, where the children will receive individual attention with an individual program plan being worked out for each child.

Children with a learning disability may be provided with assistance under The Family Benefits Act and The Vocational Rehabilitation Services Act, in the form of payment of tuition fees for special education, the cost of prosthetic devices, transportation costs and a monthly allowance.

A delinquent minor is dealt with under the Juvenile Delinquents Act, which is federal legislation. Under that Act a range of

disposition is available and if a child is committed to an industrial school, the provincial training schools system, under The Training Schools Act, becomes operative. The provincial legislation then responds with a variety of options.

Once a child is found to be "delinquent", he is deemed to be a ward of the Crown in right of Ontario and the Crown (i.e. the province) assumes all parental rights and responsibilities.

Under The Training Schools Act, a child may be placed either in his own home or in a group home in the community, or may be placed in more secure care (i.e. a training school). Every such child who is not in secure care is supervised by an after-care officer who carries out an assessment at least once every three months. Return to secure care of a child who has been in community care is strictly controlled: the philosophy behind this being that as few children as possible should be held in secure care.

The Education Act, section 43, provides legislation to ensure that a child who is a ward of a children's aid society or in the care of a children's aid society or is a ward of a training school and who is otherwise qualified shall be admitted without payment of a fee to an elementary or secondary school operated by the school board of the school section or separate school zone or school district in which the child resides.

Physically handicapped children are ensured, under Section 12 of The Education Act, of specialized education and care at the Ontario School for the Blind or at one of the Ontario Schools for the deaf.

Mentally handicapped children are educated in classes or schools especially established for trainable retarded children by divisional boards of education under section 70 of The Education Act.

Sometimes, for medical or other reasons, a child of school age requires care that is only available in an institution operated by the Ministry of Health or the Ministry of Community and Social Services.

- (3) "Measures to protect children and young persons against economic, social and all other forms of exploitation, neglect or cruelty and from being the subject of traffic;"

The Child Welfare Act contains provisions that require every person who has information of the abandonment, desertion or need for protection of a child or the infliction of abuse upon a child to report such information to a children's aid society. Professional persons, such as social workers or lawyers, who fail to report suspected abuse are subject to a fine of up to \$1,000.

In addition, a central abuse register is maintained by the Ministry of Community and Social Services to identify and keep track of high-risk cases.

- (4) "Provisions governing work by children and young persons, including minimum age for paid or unpaid employment, regulation of hours of work and rest, prohibition or restriction of night work and penalties imposed for violations of such provisions;"

In Ontario, the minimum age for employment in an industrial establishment is 15 years. "Industrial establishment" is defined as being an office, factory, or shop. A child of 14 may be employed in a shop, office, or office building, restaurant, bowling alley, or pool room, or billiard parlour if the work is not likely to endanger his safety.

Under The Occupational Health and Safety Act, 1978, a minimum age of 16 years is specified for persons in or about a mining plant or a surface mine; excluding the working face. A minimum age of 18 years is specified for underground mines or the working face of a surface mine. Under the same act, a minimum age of 16 years is specified for persons in or about construction projects. A minimum age of 15 years is allowed if under The Education Act the person has been excused from attendance at school or is required to attend school only part-time. A minimum age of 16 years is specified for persons in or about a logging operation. Fifteen years is specified in a factory other than a logging operation and 14 years is specified in a workplace other than a factory.

Regulations under The Employment Standards Act, 1974, provide for exemption from minimum wage provisions for persons employed:

- (a) as a student in a recreational program operated by and registered as a charitable organization in Canada under Part 1 of the Income Tax Act (Canada), where the work or duties of the student are directly connected with the recreational program;
- (b) as a student to instruct or supervise children;
- (c) as a student at a camp for children;
- (d) as a trainee in a course leading to registration as a registered nursing assistant;
- (e) as a trainee in a course of study for laboratory technologists; or
- (f) as a trainee in a course of study for a radiological technician as required by the Canadian Association of Radiological Technicians;

provide for exemptions from minimum wage, hours of work, overtime pay, public holidays, and vacation with pay for persons, employed:

(g) as a duly qualified practitioner of,

- . architecture,
- . chiropody,
- . dentistry,
- . law,
- . medicine,
- . optometry,
- . pharmacy,
- . professional engineering,
- . psychology,
- . public accounting,
- . surveying, or
- . veterinary science;

(h) as a duly registered drugless practitioner;

(i) as a teacher as defined in The Teaching Profession Act;

(j) as a student in training for the professions or callings mentioned in clause g, h, or i;

(k) as a domestic servant;

and do not apply to:

(l) a secondary school student who performs work under a work experience program authorized by the school board of the school in which he is enrolled;

(m) a person who performs work under a program approved by a community college or university;

(n) an inmate of a correctional institution who participates inside or outside the institution in a work project or rehabilitation program authorized under the Ministry of Correctional Services; or

(o) an offender who performs work or services under an order or sentence of a court.

These regulations also provide that a student under 18 who works 28 hours per week or less during the school term and more than 28 hours per week during school holidays may be paid at a minimum hourly rate of \$2.15 per hour rather than the general rate of \$3.00 per hour. The student rate does not apply to construction work, where the minimum hourly rate is \$3.25 per hour.

- (5) "Measures taken to prevent employment of children and young persons in any work which would be dangerous to life, harmful to their morals or health or likely to hamper their normal physical and psychosocial development and penalties for violations of such measures;"

Under The Child Welfare Act, it is illegal to permit a child to engage in begging, or to permit a child to be engaged in public entertainment without a licence from the local municipality. It is illegal for a child to be in a public place offering anything for sale, or performing for money between 9:00 p.m. and 6:00 a.m. It is a contravention of The Child Welfare Act for any person under 16 to loiter in a public place after 10 o'clock at night.

A young person found contravening the Act may be warned by a police officer and if, after the warning, is found again, may be returned home or to a place of safety. If taken to a place of safety, the person will be brought before a court. Children will not be confined to jails but rather detained with a person or society willing to take the responsibility.

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

- A. "General and specific measures taken to achieve an adequate standard of living and a continuous improvement of living conditions of people."

The Ministry of Community and Social Services provides financial assistance to those in need through The Family Benefits Act (provincial assistance primarily to the disabled and single mothers) and The General Welfare Assistance Act (assistance provided municipally usually on a short-term, emergency basis to persons who cannot qualify for family benefits). These programs are not intended to provide a substitute for employment income, but rather are designed to ensure that recipients will at least have a minimum amount available to meet the ever-rising costs of shelter, food and clothing.

These programs were outlined in the report on Articles 6 through 9 of the Covenant, pp. 280 to 282⁸.

The Ministry of Community and Social Services administers several programs involving residential care for persons with special needs, e.g. residential care for the mentally retarded, children needing mental health care, and delinquent minors in training schools. These have been dealt with in Article 10C.

The Homes for the Aged and Rest Homes Act provides for the establishing and maintenance of a home for the aged, and a rest

8. Pages 250 to 252 of document E/1978/8/Add.32.

home in each municipality which provides medical, paramedical and nursing care and services to the residents thereof. Any person over the age of 60 who cannot be cared for elsewhere in the community may be admitted to a home for the aged and any person over the age of 18 who is in need of long term maintenance may be admitted to a rest home. The cost of residential care is based on the resident's ability to pay.

The Ontario government has to date provided some 62,000 units for senior citizens housing. These units are provided under a variety of programs such as direct construction, rent supplement limited dividend and non-profit. The province relies heavily on both municipal and private non-profit corporations to construct the necessary units. The operating deficits are shared on a 50-50 basis with the federal government.

B. Right to adequate food

- (1) "Principal laws, administrative regulations and collective agreements designed to promote the right of everyone to adequate food, and relevant court decisions, if any;"

The Agricultural Research Institute of Ontario Act provides for the appointment of persons to "The Agricultural Research Institute" which has responsibility to research in all matters having to do with agriculture.

The Brucellosis Act provides a vaccination program to control brucellosis in cattle.

The Crop Insurance Act (Ontario) provides for insurance for agricultural crops to be written in cooperation with the Government of Canada on a cost-sharing basis.

The Farm Income Stabilization Act provides for the establishment of an Income Stabilization Commission with powers to collect premiums and make payments to producers enrolled in a plan with respect to marketed farm products, in times of low prices.

The Farm Products Grades and Sales Act provides for the inspection, grading, packing and marketing of farm products.

The Farm Products Marketing Act provides for the regulation of the production and marketing of certain farm products in Ontario including the prohibition of marketing and the fixing of production quotas.

The Meat Inspection Act (Ontario) provides for inspection of animals and carcasses in slaughtering plants and regulates plant conditions and methods of operation therein.

The Milk Act provides for the regulation of the production and marketing of milk.

The Plant Diseases Act provides for the control or eradication of diseases that affect plants, and outlines the powers of inspectors, licensing of nursery operators, etc.

The Topsoil Preservation Act provides authority for municipalities to enact by-laws regulating or prohibiting the removal of topsoil and for the issuing of permits therefor.

The Public Health Act provides broad authority to local public health authorities to take measures for the prevention of foodborne disease and, specifically, under the Act, standards for food plant construction and operation are set forth in regulations.

Penalties for offending prescribed standards or failing to obey the orders of enforcement officials are contained in the Act.

The Act also provides general authority for public health units to run programs in nutrition education.

- (2) "Measures taken to develop or reform existing agrarian systems in order to achieve the most efficient development and utilization of natural resources;"

The Ontario government has a farm enlargement and consolidation program which helps farmers enlarge their holdings into more viable sized units. It also assists with the retirement of land from annual cropping to permanent pasture, forestry or other suitable uses.

In 1978, the Government of Ontario released a policy statement on planning for agriculture which stresses the preservation of prime agricultural land entitled "Food Land Guidelines"⁹. In the approval of municipal official plans, which generally direct the development of the municipality, and in the review and approval of plans for subdivisions, zoning bylaws, and consent (severance applications), the Food Land Guidelines give directions for decisions taken.

- (3) "Measures taken to improve methods of production and the quantity and quality of food produced, and to increase yield per unit of cultivated land and to improve methods of animal husbandry, including animal health, by making full use of technical and scientific knowledge, in particular:
 - (a) promotion of agricultural research, introduction and use of appropriate material, equipment and techniques,
 - (b) measures to disseminate knowledge on the use of such material, equipment and techniques."

9. A copy of this document is being forwarded to the Secretary-General with this report.

Generalists and specialists trained in all aspects of agricultural science are employed by the Ontario Ministry of Agriculture and Food and located throughout the province. Their function is to conduct educational programs for, and provide an advisory service to the farmers of Ontario. Through these programs, Ontario farmers are made aware of new varieties, improved production practices, and current market situations and strategies.

Diploma courses in agricultural production technology, marketing and farm business management are offered to students at four Colleges of Agricultural Technology (CAT) and the University of Guelph. The courses are tailored to meet the needs of the regions in which the colleges are located. Each major geographic and climatic region of the province is represented, i.e., Centralia CAT - Western Ontario; University of Guelph - Central Ontario; New Liskeard CAT - Northern Ontario; Kemptville CAT - Eastern Ontario.

A total of 300 professional workers, supported wholly or partly by Ontario Ministry of Agriculture and Food, conduct research programs in agriculture, veterinary medicine, and household science. More than 950 active research projects were underway in 1978-79.

The Agricultural Research Institute of Ontario annually inquires into current research programs in all classes of livestock and poultry, field crop plants, horticultural plants, soils, viruses, bacteria, fungi, insects, agricultural engineering, veterinary medicine, food and nutrition, economics, and marketing. Results of the research program are utilized in the education and extension programs.

- (4) "Measures taken to improve and disseminate knowledge regarding methods of food conservation, in particular to reduce crop and post-harvest losses and waste (e.g. through pest control and adequate food storage facilities) and to prevent degradation of resources (e.g. through soil conservation and water management);"

An active research and extension program on pesticide use, disease resistant varieties, and biological disease control for food and forage crops is supported by the Ontario Ministry of Agriculture and Food as outlined under Article 11 B-(3).

Pest Control

Pest control products are examined by the federal government for possible environmental and health effects before registration for use. Health aspects considered include possible human exposure, subclinical effects, residues and tolerances for food. Tissue storage, metabolism, reproduction, teratogenicity, mutagenicity and carcinogenicity are evaluated.

Following registration by Canada, pesticide products sold in Ontario are classified under regulations under The Pesticides Act administered by the Ministry of the Environment. Upon the recommendation of the Ontario Pesticides Advisory Committee regulations are then made governing the sale, use, disposal, display, storage and transportation of the pesticides.

Exterminators are licensed by the Province and special-use permits are required for aerial, aquatic and fumigation applications of certain products.

The province (Ministry of Agriculture and Food) is continuing efforts to encourage integrated pest management, especially in fruit and vegetables, thereby reducing the pesticides load on the environment and the associated cost of pest control. About 70 per cent of the apple and peach hectarage in Ontario is included in the program and reduced pesticide use is apparent. Biological control of insects attacking alfalfa and cereals is also successful.

Fact sheets and reports on pesticide use for vendors, exterminators, and pesticide companies are prepared. Displays are prepared for farm shows, fall fairs and exhibitions. A Pesticide Symposium is held early each year to update licenced personnel on new compounds and revised-use practices. Courses and seminars are held each year to train applicants for licences.

Water Management

In co-operation with other ministries of the Ontario government and local government agencies, the Ontario Ministry of the Environment encourages the conduct of drainage basis studies to guide future use of water and related land resources. Drainage basis water management projects have been carried out on a number of river systems in the Great Lakes - St. Lawrence Drainage System.

The province maintains on-going programs in the expansion and updating of information on the management of surface and ground water, water taking permits, resource inventories, and the licensing of water well drilling, in addition to a wide variety of pollution control programs.

Information on proper crop handling methods, disease control methods, and soil and water conservation measures is often disseminated through county soil and crop improvement associations. For example, the local associations are being invited to participate in the educational portion of the current Erosion Control Program of the Ontario Ministry of Agriculture and Food.

- (5) "Measures taken to improve food distribution such as improvement of communications between areas of production,

and food marketing centres, facilitating access to markets, introducing price support and stabilization measures, controlling abusive practices, and assuring minimum supplies to needy groups;"

Income Stabilization

In conjunction with the federal government, the Ontario government offers an income stabilization program for grain corn, soybeans, white beans, and winter wheat. This program is designed to reduce the year-to-year price risk.

Crop Insurance

Ontario farmers will be able to purchase yield insurance through the Crop Insurance Commission of Ontario for approximately 37 different crops in 1980. The Ontario Government pays all administrative costs, plus 2/3 of the claims. Client premiums cover 1/3 of the payouts.

Markets Information

Taped commodity reports concerning the cash market and future market prices for grain, feed grain, fruit and vegetable, cattle and sheep, and western, central and eastern hogs are updated 1-2 times a day, and are available on a telephone call-in basis to the news media and the general public. These tapes provide regional price, supply, and demand information.

Farm Products Marketing Boards

Twenty-one active marketing boards are administered under The Farm Products Marketing Act, and two under The Milk Act.

The basic objectives of these producer-elected boards are to stabilize farm prices in keeping with cost of production, to assure continuity of supply, and to stimulate an efficient marketing system. They accomplish this by negotiating prices with buyers and by establishing prices, while regulating production and marketing quotas.

Market Development

Domestic or foreign market opportunities are identified by Ontario government officials and communicated on a regular basis to industry.

- (6) "Measures taken to improve food consumption levels and nutrition, with particular reference to the most vulnerable groups of the population;"

The Ontario government has personnel available to serve the public through 55 county offices across the province. General

home economics programs and consumer services in the areas of foods and nutrition, clothing and textiles, housing, home management, consumer information, and home crafts are provided along with leadership training and community development for leaders and members of the Federated Women's Institutes of Ontario, and the 4-H Homemaking clubs.

Diploma courses are offered in food service supervision and home economics at the Centralia and Kemptville Colleges of Agricultural Technology.

A continuous news media program is carried out to make consumers aware of the nutritional values of, and proper methods of preparing Ontario grown produce.

The Ministry of Health runs educational programs designed to improve the public choice of nutritional foods. Nutrition education is a component of programs directed to vulnerable groups such as pregnant women, school-age children, adolescents and the elderly.

- (7) "Measures taken (including the adoption of food standards) to reduce food adulteration and contamination and to improve the quality and safety of food, at market and storage levels, as well as food hygiene at all levels;"

The Ontario government trains, licences, and inspects the work of milk graders and testers, and inspects dairy food plants and oleomargarine and edible oil products manufacturing plants. Product standards have been established and are monitored from the farm to the consumer.

Close liaison with federal inspectors to interpret and apply prescribed grade, container and labelling standards is maintained. Grading services to the processing industry for specified commodities on a cost recovery basis is provided by the province.

The Ontario government administers several acts aimed at ensuring a minimum quality of meat at the retail level. Under these acts, programs to control livestock diseases, regulate the sale of livestock medicines, and inspect meat sold to consumers are carried out.

For the most part, public health authorities at the local and provincial levels are concerned with the hazards of bacterial and chemical contamination. Adulteration, having reference to the composition (ingredients) of a food which by deliberate commission or omission has been altered from an official standard, is within the purview of the federal authorities who administer the Food and Drugs Act.

Simply stated, in Ontario, major activities consist of:

- (a) the routine sampling of milk products and laboratory examination is carried out. Milk must be pasteurized and although bacteriological standards are not legislated, the Ministry's guidelines are widely accepted by industry. Regular inspections are done in all milk product plants.
- (b) meat processing plants are included in inspection programs and meat products are routinely sampled for microbial analysis.
- (c) all other food manufacturing plants and eating establishments are also inspected to ensure compliance with good manufacturing practices and to see that proper food handling techniques are followed. Reported food poisoning is investigated.

In most of the foregoing activities, sampling and inspection programs are carried out by inspection personnel employed by 44 health units across the province, acting under provincial legislation and guidance.

- (8) "Measures taken for dissemination of knowledge of the principles of nutrition;"

The public health system has developed a nutrition program in each local official health agency. Nutritionists in such programs:

- assess the need for nutrition services, including the need for nutrition education programs, in their area and develop appropriate policies and procedures to meet such needs;
- provide nutrition consultation, inservice education, and resource materials to health, education, recreation and social service professionals who thus become better prepared to counsel and teach their clients regarding nutrition;
- develop resource materials, guidelines and publications to be used in incorporating nutrition education into local official health agency and other community programs which are directed to persons of all ages.

Specific progress in these areas includes:

- development and distribution to professionals of the following guidelines to be used in improving the nutrition programs which they sponsor for their client groups:

- . Current Issues in Infant Feeding
 - . Working Paper on School Food Services
 - . Nutrition Education Kit for Seniors
 - . Nutrition Action at School
 - . Nutrition Education Resources
 - . Recommended Nutrition Films, Filmstrips, and Slides;
- development and distribution of pamphlets for use in public education programs. New publications include one on infant feeding. Other publications currently (January 1980) at the production stage deal with such vulnerable groups as pregnant women, preschoolers, adolescents and the elderly.
- (9) Information on participation in international co-operation, efforts and projects aimed at ensuring the right of everyone to be free from hunger, in particular through an equitable distribution of world food supplies in relation to need, account being taken of the related problems of both food-importing and food-exporting countries;"

While international assistance in Canada is largely the responsibility of the federal government and is handled by the Canadian International Development Agency, Ontario has been financially involved in emergency relief projects and other projects on an ad hoc basis as warranted by the particular circumstances at the time.

From 1976 to February 1980, the Government of Ontario has provided the following international relief:

\$150,000 towards the purchase of 150 calves for shipment to Punjab via the Canadian Hunger Foundation,

\$406,900 towards the purchase of Ontario white pea beans for shipment to Algeria, Lesotho, Chile, via the Mennonite Central Committee, Unitarian Service Committee of Canada, and the Canadian Red Cross,

\$500,000 towards the purchase and construction of housing units following the earthquake in Friuli, Italy,

\$50,000 cash donation to the Canadian Red Cross for earthquake relief efforts in Romania,

\$75,000 cash donation to the Canadian Red Cross for cyclone relief efforts in India,

\$7,000 towards the purchase of four tarpaulins to the "St. Vincent Volcano Disaster Relief Fund",

\$20,000 cash donation to the Canadian Red Cross for earthquake relief in Yugoslavia,

\$20,000 cash donation to the Canadian Red Cross for hurricane relief efforts in Dominica,

\$315,575 to the Canadian Red Cross for Southeast Asian refugees (The Ontario government matched on a dollar for dollar basis, funds raised in the province),

\$50,000 grant to the Fund Raising Committee for Earthquake Victims of the Azores to help pay the costs of transportation to the Azores of 325 tons of clothing, food and medical supplies collected in Ontario,

\$100,000 cash donation to the Canadian Red Cross for Afghan refugees in Pakistan.

(10) "Statistical and other available data on the realization of the right to adequate food."

An appendix to this report contains statistics on consumption of food in Canada.

C. Right to adequate clothing

- (1) "Principal laws, administrative regulations and collective agreements designed to promote the right to adequate clothing;"
- (2) "Information on measures taken, including specific programmes, aimed at improving methods of production and distribution of articles of clothing;"
- (3) "Information on specific and technical methods used to achieve adequate supply of articles of clothing;"
- (4) "Information on the extent of participation in international co-operation contributing to the promotion of the right to adequate clothing."

The right to adequate clothing is guaranteed through benefits provided under The Family Benefits Act and The General Welfare Assistance Act as outlined under Article 10.

Contributions towards international co-operation contributing to the right of adequate clothing have been dealt with under Article 11 B-(9): Right to adequate food.

D. Right to housing

- (1) "Principal laws, administrative regulations and collective agreements designed to promote the right to housing, and relevant court decisions, if any;"

The Ontario Housing Corporation Act established the Ontario Housing Corporation to facilitate the supply of adequate and

affordable accommodation, especially to low income families, senior citizens, the physically handicapped or persons in dire circumstances, through the construction and maintenance of socially-assisted housing and non-profit housing, the development and marketing of land for residential purposes, assisted rental schemes, which include subsidies and/or grants to private builders.

The Housing Development Act provides the Ontario Housing Corporation and the Ministry of Housing with the authority to produce and develop assisted housing.

The Ministry of Housing Act established the Ministry of Housing in 1973 to provide the overall planning, policy-making and co-ordination of activities to increase the supply of serviced land and housing necessitated by the rapid increase in demand experienced in the early 1970's. The Ministry's objectives are: to increase the supply of new housing and broaden the mix of this supply to provide units for those of low and moderate incomes; to rehabilitate the existing housing stock; to facilitate the supply of serviced land and housing by streamlining the plans approval process and delegation of planning responsibility to municipalities.

The Ontario Land Corporation Act created the Ontario Land Corporation to assist in promoting community and industrial development of land in Ontario through the acquisition, development and disposal of lands to the private sector and municipalities for residential and industrial development.

The Ontario Mortgage Corporation was instituted to facilitate home ownership for moderate income families by providing builders and developers with mortgage financing at below-market interest rates.

The Planning Act basically provides for the establishment of a sound planning framework at the municipal level which takes into account the concerns of provincial and federal governments, and through which housing development and redevelopment can take place at acceptable municipal and provincial standards.

- (2) "Information on measures taken, including specific programmes, subsidies and tax incentives, aimed at expanding housing construction to meet the needs of all categories of the population, particularly low-income families;"

The programs as well as other activities of the Ministry of Housing are detailed in Housing Ontario, November 10, 1977, Vol. 21, No. 8¹⁰

10. A copy of this document is being forwarded to the Secretary-General with this report.

In 1979, the Government of Ontario and the Government of Canada entered into agreements concerning the delivery of subsidized rental housing programs in the province. The agreements provide for an improved planning process permitting increased sensitivity to the individual needs of provincial and local housing markets and transfer responsibility to the province for the administration and delivery of certain housing programs which use federal and provincial funds. Funding is being agreed upon on the basis of a three-year budget forecast. The agreements are concerned with subsidized rental housing programs and are directed at serving the need of low income families and senior citizens.

The Community Services Contribution Program Agreement¹¹ of March, 1979, provides municipalities with federal grants and provincial grants and loans for projects related to neighbourhood improvement, water and sewage treatment and public non-profit housing.

A Universal Property Tax Credit tied directly to ability-to-pay as determined through the personal income tax system was introduced in 1972. Tenants are eligible for 20 per cent of rental payments as a tax credit and home owners for total property taxes paid. The maximum credit allowed in 1979 was \$198 for those having a taxable income of \$1,700 or less.

Capital cost allowances on multiple-unit-rental housing was started in November, 1974 to encourage the construction of multiple rental housing units. The capital cost allowance may be written off for income tax purposes.

- (3) "Information on the use of scientific and technical knowledge and of international co-operation for developing and improving housing construction, including safety measures against earthquakes, floods and other natural hazards;"

The Building Code Act sets out detailed specifications and minimum requirements for the design and construction of all buildings after 1974.

The Building Code Act requires municipalities to appoint inspectors to enforce the Act and to issue permits for construction, demolition, or material alteration of a building. It also empowers inspectors to order remedial action to be taken to make buildings safe.

The devastation of urban development resultant from hurricane hazard has led the province to adopt policies to control development in hazard lands.

11. A copy of this document is being forwarded to the Secretary-General with this report.

In addition, the Research and Development Section of the Ministry of Housing, in liaison with the Ministry of Energy, has been involved in a number of demonstration projects. In the field of solar energy, these include specially designed houses and apartment buildings, hot water and solar furnace retrofits, and technical feasibility studies regarding apartment highrise retrofit options. In the field of energy conservation, these projects include central control over electrical heating, water conservation devices, heat reclaim potentials, and numerous other options. More generally, these ministries have been involved in the development and scrutiny of new solutions in housing designs including the construction of housing units in natural radon gas areas, the introduction of smoke detectors into housing units, and special construction requirements of one, two, and multi-storey buildings to facilitate the accommodation of handicapped persons.

- (4) "Information on measures taken or envisaged to solve the special problems of housing, water supply and sanitary conditions in rural areas;"

In Ontario there is a Federal/Provincial Rural Housing Program which started in May 1975 and is administered by the Canada Mortgage and Housing Corporation. The program is mentioned on page 23 of Housing Ontario, November 10, 1977, Vol. 21, No. 8¹².

It provides assistance to low income families primarily through the Ontario Metis and Non-Status Indian Association (OMNSIA) in non-urban areas, particularly in rural communities with a population of under 2,500 persons. The assistance provided is in the form of a residential rehabilitation program, emergency repair grants, ownership assistance and technical advice to community groups.

The Ministry of the Environment is responsible for policy development and programs affecting construction, operation and maintenance of private water and sewage systems. The Environmental Protection Act, Part VII is meant to apply mainly to systems serving rural and recreational parts of the province and not those connected to municipal systems.

Persons engaged in the business of constructing, installing, repairing, servicing, cleaning, or emptying sewage systems, or storing, hauling or disposing of sewage from a system are licensed.

The Minister may enter into agreements with municipalities, whereby municipalities may exercise inspection and approval functions described by the Act, including inspections with respect to applications for subdivision approval.

12. A copy of this document is being forwarded to the Secretary-General with this report.

The Ministry of the Environment also provides high cost grants in rural areas to facilitate the treatment of water and sewage.

- (5) "Measures taken for the protection of tenants such as rent control and legal guarantees;"

The Landlord and Tenant Act provides for security of tenure. In essence, a landlord cannot terminate a tenancy unless there is "statutory cause" for such termination. The Act also provides for ratification of termination in writing and a mandatory period of notice.

The Residential Tenancies Act restrains excessive rent increases and curbs inflationary pressure on those choosing to reside in rental properties. Rent increases are limited to six per cent per year unless a proposed increase is justified in terms of actual costs to the landlord. A special forum for resolving rental issues is created by the legislation.

(6) "Statistical and other available data on the realization of the right to housing."

TOTAL OCCUPIED HOUSING STOCK AND ADDITIONAL SUPPLY AND DEMAND
IN ONTARIO

	<u>1951</u>		<u>1961</u>		<u>1966</u>	
<u>Total stock</u>	<u>Units</u>	<u>% of total</u>	<u>Units</u>	<u>% of total</u>	<u>Units</u>	<u>% of total</u>
Rental	359,790	30.45	483,521	29.47	617,092	32.9
Ownership	821,335	69.54	1,157,229	70.53	1,259,453	67.1
Total	1,181,125		1,640,750		1,876,545	

	<u>1971</u>		<u>1976</u>	
<u>Total stock</u>	<u>Units</u>	<u>% of total</u>	<u>Units</u>	<u>% of total</u>
Rental	825,150	37.08	958,000	36.4
Ownership	1,400,340	62.92	1,676,620	63.6
Total	2,225,490		2,634,620	

	<u>1951-1961</u>		<u>1961-1966</u>		<u>1966-1971</u>	
<u>Addition to total stock</u>	<u>Units</u>	<u>% of total</u>	<u>Units</u>	<u>% of total</u>	<u>Units</u>	<u>% of total</u>
Rental	123,731	26.9	133,571	56.6	208,058	59.6
Ownership	335,894	73.1	102,224	43.4	140,887	40.4
Total	459,625		235,795		348,945	

	<u>1971-1976</u>	
<u>Addition to total stock</u>	<u>Units</u>	<u>% of total</u>
Rental	132,850	32.5
Ownership	276,280	67.5
Total	409,130	

Source: Housing Stock: Census Data

HOUSING STARTS BY TYPE OF STRUCTURE
ONTARIO - ALL AREAS

UNITS

YEAR	SINGLES	SEMIS	ROW	APT. & OTHERS	TOTAL
<u>Actuals</u>					
1975	33,669	8,543	12,212	25,544	79,968
1976	32,252	8,502	17,918	26,010	84,682
1977	27,858	10,362	13,782	27,031	79,033
1978	27,949	8,607	9,073	26,081	71,710
<u>Forecast</u>					
1979	27,000	8,000	6,500	14,500	56,000
1980	29,000	8,000	8,000	15,000	60,000

* Includes rental and condominium units

Source: Actuals - Canada Mortgage and Housing Corporation
Statistics

Forecasts - Program Planning & Evaluation,
PPDS, Ministry of Housing

HOUSING STARTS BY TENURE
ONTARIO - ALL AREAS

	<u>ACTUALS</u>				<u>FORECAST</u>	
	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>
Rental	16,400	15,900	16,780	21,450	14,000	13,000
Ownership	<u>63,568</u>	<u>68,782</u>	<u>62,253</u>	<u>50,260</u>	<u>42,000</u>	<u>47,000</u>
Total:	79,968	84,682	79,033	71,710	56,000	60,000

Source: Actuals - Canada Mortgage and Housing Corporation
Statistics

Forecasts - Program Planning & Evaluation,
PPDS, Ministry of Housing

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

- A. "Principal laws, administrative regulations, collective agreements and other types of arrangements designed to promote and safeguard the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and relevant court decisions, if any."

The Family Benefits Act provides for assistance to those in need, primarily the disabled and single mothers. Under The General Welfare Assistance Act, assistance is provided on a short term emergency basis to those who cannot qualify for emergency benefits. The details of the aforementioned legislation were provided in the report on Articles 6 to 9 of the Covenant, pp. 280 to 282¹³.

The Ontario Health Insurance Act provides universal health insurance for all Ontario residents under the Ontario Health Insurance Plan. The principles under the plan are dealt with under Article 12B-5.

Under The Public Health Act local health boards are authorized to establish, maintain and operate community health services and clinical laboratories. The legislation authorizes the public health inspection and licensing of all public and private premises such as schools, churches, swimming pools, public halls, homes for the aged, hospitals, correctional institutions, food manufacturing, processing and sales outlets, slaughter-houses, mining and construction camps, etc. A public health inspector may enter any premises, inspect and examine, and, where he finds the premises dangerous to health and safety, he may close the premises. In addition, the legislation regulates the pasteurization of milk, slaughter and butchering of meat, conduct of burials, storage, collection and disposal of garbage, microwave ovens, designated drugs, vaccines, insulin, construction of food outlets, etc.

The Mental Health Act provides for residential and non residential care for persons suffering from mental disorders. Where a person is considered to be suffering from an involuntary mental disorder that could result in serious bodily harm to his person or another person, that person may be involuntarily detained for psychiatric assessment and treatment for no longer than two weeks after which time a renewal certificate must be obtained. Thereafter the certificate may be renewed for one additional month, then for two additional months and finally for three additional months, each time upon a new certificate which can only be completed after an examination. The legislation ensures that a person who is involuntarily admitted must be examined within 72

13. Pages 250 to 252 of document E/1978/8/Add.32.

hours of that admission to determine whether he ought to be released or detained. Any involuntary patient may apply for review by a regional review board. The legislation provides an automatic review by a review board after every six months and then after every 12 months thereafter. The legislation allows for a judge or justice of the peace to order a person detained for assessment and treatment if he has reason to believe the person suffers from a mental disorder. Where a patient is deemed not competent to manage his estate, a public trustee is designated as manager of his estate.

The Public Hospitals Act regulates the establishment, maintenance, construction, administration, staffing and maintenance of adequate records of public hospitals in Ontario. The Act also provides for the regulation of treatment and care standards within hospitals and the regulation of the quality of professional work.

The Children's Mental Health Services Act came into force in 1979. Under this Act, children's mental health centres provide both residential and non residential programs for children suffering from mental, emotional or psychiatric disorders or a combination thereof. For the most part, children receiving such services are under the age of 18. After this age, if they still require treatment they would move to a psychiatric facility under The Mental Health Act.

The Ambulance Act ensures the development throughout Ontario of a balanced and integrated system of ambulance service by requiring hospitals to establish, maintain and operate ambulance services. In addition, institutions and centres of training are funded by the government. The legislation sets out the terms and conditions for licensing of operators of ambulance services and ensures the application of provincial standards with regard to staff, equipment and performance of the ambulance services.

The Homes for Retarded Persons Act provides a means of subsidizing and controlling residences for retarded persons. In most cases these are group homes situated in established neighbourhoods. Corporations which are approved on the basis of being financially viable and capable of undertaking the operation of a residence are eligible for capital grants and operating subsidies. Regulations made under the Act establish standards governing the physical requirements of the buildings being used as a residence and specify standards of operation.

The Developmental Services Act allows the Minister of Community and Social Services to establish and operate facilities providing residential accommodation, care and treatment for persons with developmental handicaps and provides for capital grants and subsidies to be paid to facilities that are not directly operated by the Ministry. A major portion of the legislation deals with

the management of the affairs of residents in the facilities. The Public Trustee is designated as manager of their estate. The Act also empowers the Minister to purchase services and assistance for or on behalf of persons with developmental handicaps. This enables the funding through agreements of community based programs such as parent relief, infant stimulation and behaviour modification.

The Vocational Rehabilitation Services Act provides for the establishment of a rehabilitation program whereby goods and services are provided to disabled persons who qualify under the Act. A disabled person can apply for the payment of the costs of counselling, training, medical treatment, prosthetic devices, occupational tools and various other items specifically listed in the statute. A funding mechanism is also created to cover the costs of establishing and operating workshops offering vocational rehabilitation services.

The Homemakers and Nurses Services Act provides the services of a homemaker to households with children where the primary caregiver is incapacitated, to elderly, handicapped or ill persons and to households where the existing standard of housekeeping is likely to cause dependence on public assistance. Application for services is made through the municipality, or regional welfare administrator. Costs incurred are reimbursed by the province.

B. Information on:

- (1) "Measures taken to reduce the stillbirth-rate and infant mortality;"

To reduce the stillbirth-rate and infant mortality, the following are provided to expectant mothers in hospitals in Ontario:

- amniocentesis and ultrasound
- RH immunization
- surveillance of congenital anomalies
- genetic counselling services
- screening for phenylketonuria and hypothyroidism.

Under the Ontario Health Insurance Plan, between 12 and 25 medical visits are provided before birth and three to six afterwards. The doctor is responsible for making all hospital arrangements. Mothers usually stay about five days in the hospital after the birth of a child but the length of stay actually varies with the health condition of the mother. All hospital costs are covered under the Plan. Infants who are born prematurely are maintained in specialized incubation units and are not released from hospital care until a certain weight ratio is achieved. Upon birth, infants are subjected to a series of assessment tests to detect any birth defects or other delivery related problems.

Neonatal home visits by public health nurses are provided for at risk and high risk infants. These infants are judged to have significantly increased chances of morbidity, mortality or both, or an increased chance of subsequent disability. In addition, at least one visit is made by a public health nurse to each home in the first six weeks following birth. An assessment is carried out and where it is warranted subsequent visits are made.

(2) "Measures taken for the healthy development of children;"

Medical and hospital care is provided under the Ontario Health Insurance Plan free of charge. There are two hospitals in Ontario directed solely to the care of children from infancy to 16 years of age. The Hospital for Sick Children in Toronto is devoted to the care of children in Ontario, and Canada and has the capacity to serve patients on an in-service basis, and on an out-patient basis. It has 705 staffed pediatric beds including 24 psychiatric beds. The Eastern Ontario Children's Hospital was opened in Ottawa in 1978 with 272 beds to serve the Eastern and Northern regions of the province. In addition, the Ontario Crippled Children's Centre in Toronto provides 106 special rehabilitation beds while the Bloorview Children's Hospital provides 87 chronic care beds. Pre-school health assessments are carried out for each child in the province before school admission. The assessment includes a detailed health history, vision and hearing testing, developmental assessment, immunization and counselling. In addition to the above, school health services include an on-going screening for scoliosis, health education and a referral program.

Ontario hospitals provide infant stimulation programs for infants identified to have physical delays or early signs of retardation.

Other measures taken for the healthy development of children have been dealt with under article 10.

(3) "Measures taken to protect and improve all aspects of environmental and industrial hygiene, to prevent air, land and water pollution, to overcome the adverse effects on urban development and industrialization, etc.;"

The Environmental Protection Act prohibits the deposit or discharge of any contaminant into the natural environment which may impair the use of the natural environment, which may cause injury or damage to property or life, which may cause harm or discomfort to a person, or which may adversely affect the health of a person. The Act further provides for the issuance of legally enforceable control orders which, following a report or an investigation by an inspector, may be used to require an industry to reduce the level of contaminants being discharged.

The Ontario Water Resources Act confers wide powers on the Minister of the Environment to supervise and examine all surface and ground waters in Ontario and to determine the extent and causes of water pollution.

The Act prohibits the discharge of materials into the waters of the province which may impair these waters with appropriate fines of up to \$10,000 upon summary conviction. The Minister may also, upon application to the Supreme Court, obtain an injunction to prohibit discharges in cases where damage might result. An industry may be required by order to make investigations and submit reports to the Ministry and to install or construct facilities for the collection, transmission, treatment or disposal of sewage.

The Environmental Assessment Act provides for an assessment of the potential effects on the environment of a proposal and its alternatives. Environment is defined by the Act as follows:

- air, land and water
- plant and animal life, including man
- the social, economic and cultural conditions that influence the life of man or a community
- any building, structure, machine or other device or thing made by man
- any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly from the activities of man
- any part or combination of the foregoing and the inter-relationships between any two or more of them.

While environmental assessments must be prepared for all public undertakings, including at present projects of the provincial government and conservation authorities (unless exempted) in the private sector, only those undertakings specifically or generically defined and designated by regulations are subject to the Act's provisions.

The Planning Act enables municipal councils to pass by-laws regulating the use of land. Such by-laws regulate zoning, urban renewal, construction, repair and demolition of buildings, heating plants and repairs of front yards.

The Occupational Health and Safety Act, 1978 protects the working environment. This legislation is dealt with under the report submitted under Articles 6 to 9, pp. 260 to 262¹⁴.

- (4) "Comprehensive schemes and specific measures, including vaccination programmes to prevent, treat and control epidemic, endemic, occupational and other diseases and accidents in urban and rural areas;"

14. Pages 233-234 of document E/1978/8/Add.32.

The Ontario Ministry of Health operates a Communicable Disease Control Program which has the following main objectives:

- to monitor patterns and incidences of communicable diseases in Ontario
- to institute specific measures to combat any increase in the incidence of these diseases
- to provide vaccines that can prevent diseases.

The Ministry supplies vaccines for vaccine-preventable diseases free of charge to physicians in private practice and to local official health agencies. Immunization acceptance rates of children entering school in September 1978, as reported by 42 local official health agencies, were as follows: for diphtheria, whooping cough, tetanus and poliomyelitis - 80 per cent; measles - 78 per cent; rubella - 76 per cent. Some of our health units in fact achieve immunization acceptance rates above 90 per cent for children entering school.

The Ministry of Health operates 27 full-time chest clinics across Ontario in regard to tuberculosis treatment, control and prevention. (In turn these 27 clinics operate clinics in 126 additional locations on a part-time basis.) The Ministry of Health also funds special treatment clinics for sexually transmitted diseases in 35 locations in Ontario.

The Public Health Act sets out the procedures concerning communicable diseases, quarantine, immunization and distribution, inspection and preparation of vaccines. The legislation provides for public health inspectors to enter and inspect premises to ensure proper sanitary conditions or investigate the causes of communicable diseases. Suspected carriers of the disease can be required to submit for an examination and be moved to a hospital.

The Occupational Health and Safety Act, 1978, is dealt with under the report submitted under Articles 6 to 9, pp. 260 to 262¹⁵.

- (5) "Comprehensive plans and specific measures to assure to all age groups and all categories of the population, including in particular in rural areas, adequate health services including adequate medical attention in the event of sickness or accident;"

The Ontario Health Insurance Act provides universal health insurance to all residents in the province under the Ontario Health Insurance Plan.

15. Pages 233-234 of document E/1978/8/Add.32.

The principles under the Ontario Health Insurance Plan are listed below:

1. Portability

The Ontario Health Insurance Plan pays for insured medical and hospital service anywhere in the world. The Plan pays 100 per cent of out-of-province emergency hospital treatment charges, and pays for physicians' treatments at the rates applicable in Ontario.

2. Reasonable Access

3. Universal Coverage

Virtually 100 per cent of Ontario residents are registered under the Ontario Health Insurance Plan. To encourage universal registration, full or partial premium assistance is available for those who qualify.

In addition, if a person whose coverage is not up to date requests medical care, the service will be provided regardless, and coverage can be fully reinstated with a back payment of three months premiums.

4. Comprehensive Coverage

In addition to physicians' services and hospital services, the Ontario Health Insurance Plan covers ambulance services, extended health care in nursing homes, home care under the Ontario Home Care Program, and services provided by chiropractors, optometrists, chiropodists and osteopaths.

5. Public Administration

The Plan is directly administered by the Ontario Ministry of Health.

6. Reasonable Compensation (of medical practitioners)

Physicians are remunerated primarily on a fee-for-service basis. The fee schedule is renegotiated periodically by the Ministry of Health and the Ontario Medical Association in order to maintain a reasonable level of compensation.

7. Uniform Terms and Conditions

Health insurance premiums are the same for all residents of the province regardless of age, sex or health status, with the exception of premium assistance provided for those who qualify. Persons over 65 years of age pay no premium and premium assistance is available to those suffering financial hardship. All persons are charged the same premium regardless of their state of health.

Although premiums are levied on individuals the presence of sizable employer contributions on behalf of employees accounts for 70 per cent of total premiums.

District Health Councils

Beginning in 1974, District Health Councils were established in 21 communities in Ontario. They have been established to provide the Ministry of Health with advice on health planning matters for their districts. Their primary responsibilities are to identify local needs, establish priorities and plan for a comprehensive program for the district. Councils are voluntary bodies.

Extended Care

Extended Care Benefits were introduced in 1972 as an insured benefit under the Ontario Health Insurance Plan. Such benefits are available to persons resident in nursing homes or homes for the aged and needing at least one and one half hours of nursing and personal care each day.

As of November 1, 1979, a total per diem payment of \$28.00 was effective for Extended Care Services of which the government portion is \$17.70 and the resident portion \$10.30.

Home Care Services

The Ministry has an active home care program which makes available a readily accessible lower cost treatment mode of care to institutional settings on a province-wide basis. Its objective is to provide an alternative to acute hospitalization and to decrease the length of stay by providing appropriate and equivalent services where appropriate to patients in their place of residence.

In addition, a chronic home care program provides a comprehensive chronic treatment service for patients in their place of residence and is intended to prevent or delay transfers to more intensive levels of care (institutionalization).

Professional and support services include:

nursing	sickroom equipment
physiotherapy	respiratory therapy
occupational therapy	visiting homemaker service
social services	diagnostic and laboratory
nutrition/diet	drugs
counselling	dressings
enterostomal therapy	medical transportation
speech therapy	meals on wheels

Community Mental Health Programs

To meet the needs of psychiatric patients in the community the Ministry of Health has greatly expanded the provision of community health services. These provide outpatient psychiatric treatment in general hospitals and community clinics and a wide range of support services including residential accommodation, supervised living accommodation, halfway houses, day care, vocational and rehabilitation guidance and preventive programs.

The Drug Benefit Program

The Drug Benefit Program was introduced in 1974. Under this program, those 65 and over and those receiving social assistance are entitled to free drugs.

Public Health Services

Ontario residents benefit from the services of 44 Boards of Health. Increasing emphasis has been placed on health protection and promotion through public health services. The services provided through the Boards of Health include public health nursing services such as home visiting, pre-natal and postpartum maternal education, immunization and pre-school assessment, public health inspection of a variety of premises such as food outlets, swimming pools and institutions, children's preventative dental and medical services, and nutritional education services to school and community groups.

Ambulance Services

Ontario provides 193 ambulance services units across the province. Although the bulk of services are provided by land ambulances, other services are provided where they are appropriate, such as:

- . air transport for distances over 280 km;
- . helicopter or boat service in the far north at times of the year when land transport is not feasible;
- . out of province ambulance transport for Ontario patients;
- . specially equipped helicopter ambulance service for critically injured or ill patients of the metropolitan Toronto area.

Operational coordination of the various services is ensured through central communications centres which receive and channel all calls/or ambulances.

Underserviced Area Program

Ontario has an underserviced area program that deals specifically with medical services in very remote areas. The underserviced area program is a financial incentive program designed to attract family practitioners, dentists and some specialists to practice in these areas of the province where these services are urgently needed. A physician who establishes a practice in an area designated as underserviced may apply to the Ministry of Health for a contract with a minimum guaranteed annual net professional income or an income tax free incentive grant.

- (6) "Main features of existing arrangements for the provisions of medical care and methods of financing them."

Ontario Health Insurance Plan

On January 1, 1959, the Government of Ontario, in partnership with the Government of Canada, introduced a universal prepaid hospital insurance plan. Six years later the province established a voluntary medical insurance plan to cover the 25% of the population not insured through private plans. This mixed system of public and private insurance was subsequently replaced by a universal public medicare plan in October 1969. In April 1972, the hospital insurance system and the medicare system were amalgamated into a comprehensive health insurance plan, the Ontario Health Insurance Plan. Under the Plan, a basic premium must be paid by a person to qualify himself and his family for coverage by the government of medical, hospital and other defined health expenses. Premium assistance is available to those who cannot afford premium rates. Although premiums are levied on individuals, the presence of sizable employer contributions on behalf of employees means the financing of premium is shared by individuals, the corporate sector and the government. Latest estimates indicate that employers pay 70% of total premiums. The Government of Ontario utilizes premiums to finance health care costs. The difference between insured health services costs and premiums is paid from general revenues of the province. Federal contributions to the financing of health care services is regulated by federal legislation. The federal contribution is deposited into the general revenues of the Province of Ontario.

ONTARIO HEALTH INSURANCE PLAN

Premium History

Monthly Premium Rates

	<u>Single</u> \$	<u>Couples</u> \$	<u>Family</u> \$
1959-1964			
Hospitalization	2.10	4.20	4.20
Medical Services	-	-	-
1964-1968			
Hospitalization	3.25	6.50	6.50
Medical Services - full pay	5.00	10.00	12.50
- partial assistance	2.50	5.00	5.00
- full assistance	-	-	-
1968-1972 (April 1)			
Hospitalization	5.50	11.00	11.00
Medical Services - full pay	5.90	11.80	14.75
- partial assistance	2.95	5.90	5.90
- full assistance	-	-	-
1972-1976 (August 1)			
Hospitalization			
Medical Services - full pay	11.00	22.00	22.00
- partial assistance	5.50	11.00	11.00
- full assistance	-	-	-
	<u>Single</u> \$		<u>Family</u> \$
Aug. 1, 1976 - Apr. 1, 1978			
Full pay	16.00		32.00
Partial assistance	8.00		16.00
April 1, 1978			
25% Assistance	12.00		24.00
50% Assistance	8.00		16.00
75% Assistance	4.00		8.00
August 1, 1978			
Full Pay	19.00		38.00
25% Assistance	14.25		28.50
50% Assistance	9.50		19.00
75% Assistance	4.75		9.50
October 1, 1979			
Full Pay	20.00		40.00
25% Assistance	15.00		30.00
50% Assistance	10.00		20.00
75% Assistance	5.00		10.00

ONTARIO HEALTH INSURANCE PLAN

NUMBER OF RESIDENTS IN
PREMIUM ASSISTED CATEGORIES
1979-80

<u>Non-Group Assistance Programs</u>	<u>Single</u>	<u>CERTIFICATES**</u>		<u>Av. No. of Participants</u>
		<u>Family</u>	<u>Total</u>	
1- Over Age 65	479,162	316,279	795,441	1,111.7
2- Full Premium Assistance	147,205	60,721	207,926	340.0
3- 50% Premium Assistance	541	286	827	1.4
4- 75% Premium Assistance	856	1,059	1,915	4.2
5- 25% Premium Assistance	278	168	446	0.8
6- Temporary Assistance	18,196	10,178	28,374	50.5
7- Municipal Welfare	46,344	33,954	80,298	154.2
Sub-Total	<u>692,582</u>	<u>422,645</u>	<u>1,115,227</u>	<u>1,662.8</u>
<u>Group Assistance Programs</u>				
8-Provincial Welfare	82,365	77,665	160,030	329.0
9-Indians (Federal)*				
10-Dept. of Veterans Affairs	10,345	8,916	19,261	38.7
11-Training Schools*				
12-Youth Institutions*				
13-Children's Aid Societies*				
14-Public Trustees*				
Sub-Total	<u>92,710</u>	<u>86,581</u>	<u>179,291</u>	<u>367.7</u>
Total Assisted	<u>785,292</u>	<u>509,226</u>	<u>1,294,518</u>	<u>2,030.5</u>

* Numbers 9, 11, 12, 13, 14 are included under provincial welfare (8)
** Family certificates cover two or more participants

Source: OHIP Practitioner Care Statistics 1979-80 (pre-audit)

Premiums

Single Person	\$20/mo	\$240/yr
Family	40/mo	480/yr

Premium Assistance

Single persons	\$ 0 - 2,500	taxable income	-	no premium
	2,500 - 3,000	"	"	25% premium
	3,000 - 3,500	"	"	50% premium
	3,500 - 4,000	"	"	75% premium
Family	\$ 0 - 3,000	"	"	no premium
	3,000 - 4,000	"	"	25% premium
	4,000 - 4,500	"	"	50% premium
	4,500 - 5,000	"	"	75% premium

- C. "Statistical and other available data on the realization of the right to health, in particular, statistics on infant mortality, number of doctors per inhabitant, number of hospitals and hospital beds etc."

DISTRIBUTION OF BEDS - ONTARIO HOSPITALS

	No of Hospitals	Total beds * staffed in operation	Medical Surgical	Obstetric	Pediatric
Dec.31, 1976	235	47,286	27,468	3,538	4,619
March 31, 1978	235	48,283	28,079	3,468	4,482
March 31, 1979	233	47,922	27,497	3,417	4,340
Psychiatric	Alcohol & Drug Addiction	Sub- Total	General Rehab.	Special Rehab.	Chronic
1,995	125	37,745	966	421	8,154
2,075	129	38,233	1,009	528	8,513
2,179	112	37,545	1,026	515	8,836

* Staffed beds - the number of beds which are actually in operation at a given time.

OCCUPANCY RATES (%) - ONTARIO HOSPITALS

	Active	General Rehab.	Special Rehab.	Chronic	Total
Dec.31, 1976	81.6	88.6	76.1	92.0	83.5
March 31, 1978	81.3	86.4	70.9	92.0	83.1
March 31, 1979	81.0	82.2	85.0	93.6	83.4

PHYSICIAN MANPOWER SUPPLY - ONTARIO
1970-1980

<u>Year</u>	<u>Grand Total Mds at Year end (Regular & Special Register Intern)</u>	<u>Population (000's) (Dec. 31)</u>	<u>Ratio</u>
1970	11,327	7,679	1/678
1971	12,188	7,769	1/637
1972	12,836	7,870	1/613
1973	13,341	7,996	1/599
1974	13,885	8,125	1/585
1975	14,523	8,229	1/567
1976	14,643	8,319	1/568
1977	14,927	8,413	1/567
1978	15,060	8,508	1/565
Projected			
1979	15,298	8,600	1/564
1980	15,452	8,693	1/563

COMPARATIVE EXPENDITURES OF INSURED HEALTH SERVICES
1974/75 - 1978/79

Expenditure by Major Programs (\$Millions)

	Hospital	Medical	Ambul.	Ext.Care	Home care	Total	Per Capita Cost
1974-75	1372	650	23	63	10	2118	261*
1975-76	1601	742	34	87	13	2477	301
1976-77	1884	800	35	102	17	2838	340
1977-78	1989	898	37	120	21	3065	363
1978-79	2054	1023	39	132	26	3274	390**

* Based upon 1971 Census Projections

** Based upon 1976 Census Projections

MORTALITY RATES IN ONTARIO 1950-1977

<u>Year</u>	<u>Cause of Death</u>						
	All Causes	Heart Disease	Cancer	Cerebro-vascular Disease	Accidents	Infant Deaths	Peri-natal Deaths
1950	974	356	140	124	59	34.5	35.7
1955	863	330	137	115	57	26.0	29.9
1960	843	326	138	104	52	23.5	26.8
1965	801	314	137	90	53	20.5	25.0
1970	743	281	143	76	48	16.9	20.9
1975	742	271	151	75	48	12.8	15.1
1976	734	271	153	73	43	12.3	15.2
1977	725	270	157	69	39	11.2	13.4

Rates are expressed as deaths per 100,000 population, except for infant and perinatal deaths which are per 1,000 live births and per 1,000 total births respectively.

EXTENDED CARE BEDS/FACILITIES 1975/76 - 1978/79 - ONTARIO

	<u>1975/76</u>	<u>1976/77</u>	<u>1977/78</u>	<u>1978/79</u>
# Nursing Home licenced beds	25,965	27,308	27,847	28,079
# Nursing Homes	387	378	367	363
Min. of Health payments \$ Million	87	102	120	132
# Extended care Beds in Homes for Aged	12,743	12,788	12,794	13,081

8. QUÉBEC¹

In accordance with paragraphs C and E of the Guidelines contained in the note of the Economic and Social Council, G/SO/221/912, we refer the reader to the following documents, which set forth certain useful additional information. For the Introduction, see "Report of Canada on Implementation of the Provisions of the International Covenant on Civil and Political Rights, March 1979", numbered and cited hereinafter as "UN DOC CCPR/C/1/Add. 43", at pages 431 to 434.

For the body of the Report, see: "Report of Canada on articles 6 to 9 of the International Covenant on Economic, Social and Cultural Rights, numbered and cited hereinafter as document E/1978/8/Add.32.

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

(1) Principal laws and regulations

We refer the reader to the report on Articles 6 to 9, at pages 297 to 333².

Also:

- Bill 77 on Child Day Care³;
- Bill 76 on Handicapped Children³;
- Bill 89, to establish a new Civil Code and to Reform Family Law³;
- Automobile Insurance Act, RSQ c A-25;
- Workmen's Compensation Act, RSQ c A-3;
- Act respecting health services and social services, RSQ c S-5;
- Family Allowances Act, RSQ c A-17;
- Social Aid Act, RSQ c A-16;
- Act respecting the Québec Pension Plan, RSQ c R-9.

(2) Right of men and women to enter into marriage with their full and free consent and to establish a family

See "UN DOC CCPR/C/1/Add 43", at pages 437 and 438.

1. Report prepared by the Québec human rights commission (Commission des droits de la personne) in collaboration, for the Government of Québec, in August 1980.

2. Pages 261 to 292 of document E/1978/8/Add.32.

3. This bill has been adopted.

A draft amendment to the Civil Code, Bill 89 to Reform Family Law, was tabled in the Québec National Assembly early in 1980. Chapter 1, regarding the conditions required for contracting marriage, reads as follows:

400. Marriage requires the free and enlightened consent of the intended spouses.

401. Consent to marriage is the agreement expressed by a man and a woman to take each other as husband and wife.

402. No person may contract marriage before he is eighteen years of age.

403. The court may grant a dispensation when an intended spouse is not less than sixteen years of age.

The person having parental authority, the tutor if the minor has a tutor and any person who has custody of the minor must be summoned to give their opinions.

The minor may apply alone for a dispensation from the age requirement.

404. No new marriage may be contracted before the annulment or dissolution of the previous marriage.

405. No person may contract marriage with any of his ascendants or descendants, nor with his brother or sister or any of their children in the first degree.

The sanction regarding the right of free consent is contained in the following articles:

423. A marriage contracted by a married person, by a person less than sixteen years of age, or in spite of an impediment due to relationship may be declared null at any time upon the application of any interested person.

425. A marriage contracted by a person incapable of discernment may be declared null upon the application of his curator or of either spouse.

426. No marriage contracted by a person who has not given free consent or who has been misled by an error may be declared null except upon the application of that person.

.

427. No marriage in which there has been cohabitation of the spouses for one year from the recovery of discernment or from the time the spouse acquired complete freedom or became aware of his error may be attacked.

429. A marriage contracted without judicial dispensation by a person between sixteen and eighteen years of age may be declared null upon the application of that person or of the persons who must be summoned to give their opinions when a dispensation regarding age is applied for.

No marriage in which one year has elapsed since the condition regarding age was satisfied may be attacked.

This bill, in addition to stating the object of the consent given by the future spouses in article 401, breaks with the tradition that puberty is based solely on biological capability of reproduction.

This amendment will also make it possible to affirm in law the de facto disappearance of the requirement that a man and a woman marry as a result of an accidental pregnancy.

(3) Measures to facilitate the establishment of a family

Nil.

(4) Maintaining, strengthening and protecting the family

4.1 Family allowances

The purpose of family allowances is to provide the mother or father of any unmarried child less than 18 years of age with an allowance, the amount of which varies depending on the child's age and position in the family.

The allowance is paid monthly. In order to take into account increases in the cost of living, the allowance is revised annually in accordance with the Pension Index, in the same way as the benefits payable under the Québec Pension Plan. Thus, on January 1, 1979 the allowances paid by Québec were increased by nine per cent.

Québec has also exercised the option given to the provinces by section 3 of the federal Family Allowances Act, 1973 to provide by statute for amounts other than those allocated to each child by the federal statute.

In March 1979, the amounts of allowances paid by the Government of Québec and by the Government of Canada were as follows:

	Québec	Canada	Total
1st child:	\$ 5.92	\$12.00	\$17.92
2nd child:	7.92	18.00	25.92
3rd child:	9.88	36.95	46.83
Every child over 3	11.85	46.05	57.90

Bill 76 on Handicapped Children provides for the payment of \$60 a month to parents who care at home for severely handicapped children (the mentally handicapped and severe motor and sensory disorders). This amount, which as of January 1, 1980, is added to family allowances (parents must make an application to the Pension Board), will make it possible to give financial assistance to parents who must pay additional expenses, such as day care, part-time help, medication and so on. An estimated 16,000 families will benefit from this measure. A budget of \$11,850,000 is provided for this purpose in 1980-81.

In 1978-79, 1,821,307 children, distributed among 954,398 families, shared \$158,448,000 in family allowances.

4.2 Day-care centres

At the present time, day-care is increasingly being regarded as an additional resource for the family in its task of educating and developing young children. Rather than simply being a means of providing for the supervision of children, day-care services are an extension of and complement to the aims of the family in this area. This is why the quality of services is of capital importance to parents and the government, since it has an effect on the child's well-being and development. The objectives of the Government of Québec are to improve access to day-care by low-income families, to foster the development of a day-care system and to raise the level of quality of services in existing day-care centres.

Bill 77 on Child Day-Care, now before the National Assembly, creates a child day-care services bureau (Office des services de garde à l'enfance), and makes day-care services in general subject to its jurisdiction. Day-care centres were already dealt with by the Act respecting health services and social services (RSQ c S-5) and by the Regulations adopted pursuant to that Act. The bureau specifies in which cases a permit must be obtained and the persons to whom it may be issued. For that purpose, it allows municipal corporations, school boards and corporations of school trustees to hold a day-care centre permit or a home day-care agency permit. It enables school boards to provide school day-care to children attending classes and receiving educational services in kindergarten and elementary grades.

Finally, it provides for the payment of grants to various permit holders, confirms the principle of the parents' contribution to day-care expenses and provides for the payment of financial assistance for the benefit of certain children.

The total budget allocated to day-care services in 1980-81 will be some \$32,500,000, an increase of \$10,000,000 for the second consecutive year.

The grants are \$2 per day per occupied place to non-profit-making day-care centres controlled by parents; \$37,200 in start-up grants for new day-care centres, \$14,600 to be used for initial operations and \$22,600 for facilities; an amount of \$1,200,000 will also be available for day-care in family centres; and \$1,000,000 will be paid to the Department of Education to be used in establishing day-care centres in the school system; \$2,500 per child will be distributed to day-care centres for handicapped children or to children requiring special care. A special fund is also provided to assist day-care centres in the event of an emergency.

On March 31, 1979, 15,379 authorized places were available in day-care centres, whether profit-making or non-profit-making. This represented a total of 346 day-care centres.

4.3 Social aid

Social aid is administered by the Department of Social Affairs, and is a measure of last resort for Quebecers who are economically disadvantaged.

Social aid is a right for all Quebecers: no one can feel immune from misfortune.

The purpose of social aid is to provide economically disadvantaged citizens with an income enabling them to meet their essential needs and, so far as possible, to assist in the recovery of families and individuals, by the appropriate information, reference to community resources and the establishment of links with the organizations in question, by placement, re-training and re-integration of workers into the employment market.

Any family or individual lacking the income, or sufficient income, to meet its or his needs as recognized by social aid is entitled to benefits, provided that the value of its or his property does not exceed the amounts allowed.

Social aid provides for ordinary needs: accommodation, food, clothing, heating, electricity and domestic and personal necessities.

Social aid also covers certain special needs: medicine included in the list of medicines approved by the Health Insurance Board, dental care and glasses in accordance with the prescribed tariffs, prostheses and orthopedic devices which are not paid for by the Health Insurance Board, and transportation and stay expenses required by a doctor or dentist up to \$250. A supplement of \$20 a month is paid in the event of pregnancy, lactation or diabetes; and a supplement of \$100 is paid in the event of hemodialysis, ostomy or paraplegia.

Losses suffered in cases of natural disaster or fire are repayable up to \$1,500 for an individual and \$1,000 plus \$500 per person (maximum \$4,000) for a family. An amount of up to 10 per cent of the allowed maximum may be paid to allow time to find new accommodation.

Social aid covers funerals up to \$200 for a child from zero to one year old, \$600 for a child from one to five years old, \$800 for a child from five to ten years old, \$1,000 if the deceased is over ten years old.

Social aid strives by monthly benefits to make up the difference between the ordinary and special needs of individuals and their income.

Certain income is not counted: family allowances from the Government of Québec and the federal government, and the tax credit for a dependent child paid by the federal government; amounts received by an individual having a foster family for the persons in his care; earnings which a dependent child realizes incidental to his studies, and loans and scholarships which he receives; and income from an estate, donation or trust for the benefit of a dependent child, before the right to dispose of it exists.

Certain income is only counted in part: income from part-time employment, room and board income and rental income.

4.3.4 Statistics

Household's expenditure and average benefit by sex of head of household

<u>May 1979</u>	<u>Number of Households</u>			<u>Expenditure (\$'000)</u>		
Sex of head of household	Family	Single person	Total	Family	Single person	Total
Male	45,849	73,824	119,673	18,659	15,084	33,743
Female	59,531	80,922	140,453	21,324	17,209	38,533
Total	105,380	154,746	260,126	39,983	32,293	72,276

<u>May 1979</u>	<u>Average Benefit (\$)</u>		
Sex of head of household	Family	Single person	Total
Male	406.95	204.32	281.95
Female	358.20	212.65	274.34
Total	379.41	208.68	277.84

Households, expenditure and average benefit by civil status

	Number of households	Expenditure	Average benefit
Single	124,500	27,755	222.93
Married	39,068	15,815	404.80
Widowed	26,493	6,489	244.91
Legally separated	11,990	3,737	311.70
Separated <u>de facto</u>	33,721	10,558	313.09
Divorced	24,354	7,922	325.28
Total	260,126	72,276	277.84

4.4 Québec Pension Plan

The Québec Pension Plan came into effect on January 1, 1966, and the Québec Pension Board was made responsible for administering it.

The purpose of the Québec Pension Plan is to provide workers and their dependents with basic protection against the loss of income that may result from retirement, death or sickness.

A retirement pension is provided for this purpose for any contributor who has reached age 65. Where the contributor dies, the Plan provides for the payment of benefits to survivors, namely, a death benefit, a surviving spouse's pension and an orphan's pension. In the case of a contributor who falls ill, the Plan provides for the payment of a disability pension and of a pension to his or her dependent child.

The Plan is financed by contributions from employees and employers which are collected by the Department of Revenue. All employees between 18 and 70 years old receiving earnings from employment in excess of \$1,100 in 1979 are required to contribute to the Plan. Employers deduct this pay for employees at the rate of 1.8 per cent of salary between \$1,100 and \$11,700; employers must pay the Department of Revenue an amount equal to the deduction which they make for each of their employees. Independent workers must themselves pay the Department of Revenue an annual contribution of 3.6 per cent of their earnings between \$1,100 and \$11,700. For the purposes of the Plan, the worker's earnings correspond to net income from all his enterprises calculated in accordance with the Income Tax Act.

A retirement pension is available to a worker who has contributed to the Plan for at least one year and is over 65.

The amount of the pension varies in accordance with the amount entered in the Record of Earnings. The retirement pension in no way alters entitlement to an old age pension. However, the retirement pension payable under the Québec Pension Plan is taken into account in calculating the guaranteed income supplement, to which recipients of old age pensions may be entitled.

The death benefit is payable to the contributor's beneficiary, provided that the latter has paid contributions for at least one-third of the total number of years included either wholly or partly within his contributory period and, in any case, for at least three years. The beneficiaries of a contributor are also qualified if the contributor has paid contributions for at least ten years. Special provisions are made for the pension of a surviving spouse, a widower or widow, and a divorced person who has lived as husband or wife with the deceased, and who is sixty-five or over.

An unmarried child is entitled to an orphan's pension if he is under 18 and if, being 18 or more years of age but less than 25 years of age, is in full-time attendance at an educational institution, and if the contributor has paid contributions for at least a third of the total number of years included either wholly or partly in his contributory period, and for at least three years, or if he has paid contributions for at least ten years.

A worker who becomes disabled is eligible for a disability pension if he has paid contributions for at least five years, at least one-third of the total number of years included wholly or partly in his contributory period, and when this total number of years is greater than ten, for at least five of the last ten, or, if he has paid contributions for at least ten years at least five of which are included wholly or partly in the last ten years of his contributory period; he must also be declared disabled by the Board and must be less than 65 years of age.

An unmarried child is entitled to a disabled contributor's child's pension if he/she is under 18 or, being 18 or more years of age but less than 25, is in full-time attendance at an educational institution, and if the contributor is the recipient of a disability pension paid pursuant to the Plan.

Pensions may be increased annually in accordance with the Pension Index in order to take into account increases in the cost of living. The Pension Index is calculated in accordance with the Canada Consumer Price Index. However, the indexing of pensions does not apply to an orphan's pension or a disabled contributor's child's pension. Workers who reside outside of Canada retain all their rights acquired under the Plan. A pension will be paid to them if they meet the eligibility requirements, even though they are no longer living in Québec.

The statistics for 1977 and 1978 are as follows:

Years	Recipients	Total amount (millions)
1977	307,107	351.5
1978	339,080	446.7

Other legislation is also designed to protect the family, mothers and children. Thus, the Automobile Insurance Act (RSQ c A-25) abolished the concept of fault in Québec law in all cases of bodily injury resulting from a highway accident, in order to replace the system of civil liability, and its concomitant lengthy delays before a judgment is obtained fixing amounts of compensation, by a system of rapid statutory compensation. One of the essential purposes of the Automobile Insurance Act is to ensure that victims are not suddenly cut off from their usual sources of income as the result of bodily injury caused by an automobile. A person who is a "head of family" may receive an income replacement indemnity which is "paid in the form of a pension equivalent annually to ninety per cent of the net income of the victim" (section 26(1)).

For the purposes of the Act, the concept of the family is extended to include the following persons:

Section 1(7): "spouses" means a man and a woman who are (a) married and cohabiting, or (b) living together as husband and wife and, at the time of the accident, (i) have been living together for three years, or for one year if a child has issued from their union, and (ii) have been publicly represented as spouses.

Subsection (20): "dependant" means (a) a spouse; (b) a person who is, or, as the case may be, was, married to the victim, and (i) is separated from him de facto or legally, or whose marriage has been dissolved by a final judgment of divorce or declared null by a declaration of nullity of marriage; and (ii) at the time of the accident, was entitled to receive an alimentary pension from the victim pursuant to a judgment or an agreement; (c) a person related to the victim by blood or adoption, and any stranger who stood in loco parentis to the victim or to whom the victim stood in loco parentis, who, at the time of the accident, was wholly or substantially maintained by the income of the victim.

It is also of particular interest to note that even an unemployed person, a person at home, and a person working without pay in a family undertaking will be entitled to benefit from such an indemnity, as the first paragraph of section 20 of the Automobile Insurance Act provides that:

Subject to sections 21 and 22, the victim who at the time of the accident held no employment while being able to work, held casual employment or part-time employment, worked without pay in a family undertaking or was a person at home is entitled to an income replacement indemnity if, due to the accident, he becomes unable to hold the employment that he could have held on a regular and full-time basis.

Such a provision may in certain cases be regarded as among the specific measures adopted in favour of mothers working for themselves or in a family undertaking, providing for the granting of certain adequate guarantees against loss of income.

Similarly, in the event that an individual dies as the result of an accident, the persons who are dependent on him at the time of his death, generally the surviving spouse and children of the victim, are the ones who may be awarded a death benefit, so that continuing provision is made for support of the family. The gist of the provisions enacted for this purpose emerges from subsections 1 and 2 of section 37 of the Automobile Insurance Act, which read as follows:

1. The death of a victim entitles the surviving spouse, for life, or, failing such a person, his dependants, to equal shares of an indemnity equivalent annually to a percentage of the income replacement indemnity to which the victim would have been entitled had he survived and been rendered unable to hold any employment by reason of the accident.

2. The percentage referred to in subsection 1 is established at fifty-five per cent for one dependant, sixty-five per cent for two dependants, and, for more than two dependants, at sixty-five per cent plus five per cent per dependant counting from the third, up to eighty per cent.

These provisions may also under certain circumstances be regarded as part of the specific provisions designed to assist heads of families in providing for the maintenance of children in the event of the death or absence of the breadwinner.

It should also be noted that the Automobile Insurance Act further provides that a victim is entitled to be reimbursed for reasonable expenses of various kinds resulting from an accident; section 45 sets forth this entitlement as follows:

The victim is entitled, in every case, without limit of time and to the extent that they are not already covered by a social security scheme, to the reimbursement of reasonable expenses incurred by reason of an accident for medical and paramedical care, transportation by ambulance or other means for the purpose of

receiving such care, the purchase of prostheses or orthopedic devices and the replacement of clothing. The victim is also entitled to the reimbursement of such other expenses of a similar nature as may be authorized by the Régie.

An amendment to the Workmen's Compensation Act (RSQ c A-3), adopted in 1978, extended the scope of the benefits provided for by adopting for dependants the same criteria as those contained in the Automobile Insurance Act. The new definitions of the Act make it possible to more adequately indemnify all persons who were in fact dependants of the worker whether an actual marriage existed or not.

B. Maternity protection

(1) Principal laws and regulations

We refer the reader to the report on Articles 6 to 9, at pages 297 to 302⁴.

Also:

- Act to Amend the Minimum Wage Act (SQ 1978, c 53);
- General Ordinance on Maternity Leave;
- Government of Québec program of maternity allowances (January 1, 1979);
- Bill 126 on Labour Standards (assented to on June 22, 1979);
- Bill 17 on Occupational Health and Safety⁵;
- Act respecting health services and social services (RSQ c S-5);
- Québec Pension Plan Act (RSQ c R-9).

(2) Protection and assistance of mothers

Perinatality was initially given priority among sectoral policies of the Department of Social Affairs relating to health for several reasons. It is among those which lend themselves most readily to concerted action. There has been an appreciable decrease in the last ten years in perinatal deaths, but the birth rate has also dropped significantly. Progress can still be made through development and improvement of medical technology and several measures of a preventive nature, not only in increasing the survival rate of newborn infants, but also in reducing the number of children with physical and mental sequelae.

The aim of this perinatality policy is to reduce maternal mortality, perinatal mortality and perinatal morbidity in Québec.

4. Pages 261 to 265 of document E/1978/8/Add.32.

5. This bill has been adopted.

Three types of programs exist to implement a perinatal policy:

- a program relating to preventive and curative care;
- a program to train personnel;
- a public information and education program.

The program relating to preventive and curative care is subdivided into four sub-programs directly relating to the reduction of maternal perinatal mortality and morbidity, by (1) improving prenatal care; (2) improving supervision of delivery; (3) improving revival of newborn infants in the room; and (4) creating a perinatal intensive care unit.

The program to train personnel is already well advanced, as excellent work has been done in recent years by task forces on maternal and perinatal mortality in various Québec hospitals. These efforts must be pursued and intensified, especially in areas most lacking in specialized medical care, and with the objective of producing a more formalized training program.

For the public information and education program, it was first necessary to collect data, and then to define the content of an educational program suited to the people of Québec and titled "Guide maternel" [maternity guide]. The principal immediate objectives of the program may be summarized as follows: by providing very up-to-date information to improve preventive care relating to the entire maternity process, pregnancy, delivery, attention and care given to the child during the first years of its life; providing pregnant women with a new environment, without which pregnancy becomes a difficult situation; and ensuring that all Quebecers have free access to courses.

The present emphasis on care programs and improvement in revival techniques for the newborn has indicated the difficulty of solving problems such as low weight, fetal malnutrition, the ethiology of which remains obscure. In this regard, the contribution of research to these three aspects (epidemiological, clinical and fundamental) will undoubtedly have more long-term impact than that of the care programs. Premature labour, perinatal suffocation and delays in intra-uterine growth are priority areas for current research in perinatology, because these problems are together responsible for the majority of perinatal handicaps.

In implementing the various measures affecting perinatal policy, one significant achievement that can be evaluated is attendance at courses: in 1977-78, 40 per cent of pregnant women in Québec attended preparatory courses for pregnancy and delivery offered by 32 community health departments and in various educational centres throughout Québec.

These centres include 35 local community service centres and 24 community health hospital centres. It is worth noting that in "distant" regions the courses reach nearly 80 per cent of pregnant women. Indeed, the courses are so popular that women must now be turned away for lack of space.

(3) Protection and assistance to working mothers

A General Ordinance on Maternity Leave (No 17, published on November 15, 1978) provides for a continuous period of maternity leave ordinarily lasting 18 weeks, and guaranteeing that the employee will be reinstated in her usual position at the conclusion of the leave, with all the rights to which she would have been entitled if she had continued to work.

A new program of maternity allowances, dating from January 1, 1979, provides for an allowance of \$240 for female workers receiving maternity benefits from the Unemployment Insurance scheme, if they have resided in Québec for 12 months at the time of their application and if they are obliged to cease their professional activities as a consequence of pregnancy.

Bill No 126 on Labour Standards revises and replaces the Minimum Wage Act. The provisions relating to maternity prohibit an employer from dismissing, suspending or replacing an employee because she is pregnant; this Act also provides that a male employee may be absent from work for two days when a child is born or is adopted.

The Occupational Health and Safety Act (SQ 1979, c 63) recognizes that maternity is one of the only areas in which women should ordinarily be given special treatment as workers.

The specific purpose of this Act as it applies to a pregnant worker consists in guaranteeing her the right to benefit from protective re-assignment when her working conditions involve physical danger to herself or her unborn child by reason of her pregnancy. This new Act recognizes a new individual right, that of the refusal to work. A pregnant worker may benefit from preventive re-assignment and receive compensation of 90 per cent of her net salary when working conditions are prejudicial.

The Government of Québec has also introduced improvements affecting parental rights, in its latest negotiation with its employees. Maternity leave is now increased from 18 to 20 weeks, and female employees have the following benefits: health insurance, provided they pay their own contributions; life insurance, accumulation of vacation leave, accumulation of sick leave, accumulation of seniority, accumulation of experience and accumulation of continuous service for job security purposes.

A paid leave of five working days is also provided for the husband of an employee delivering a baby, and a paid leave of two

working days for a male or female employee adopting a child. A maximum unpaid leave of ten weeks and a maximum two years unpaid leave for extension of maternity leave, can be taken by either of the spouses. The same rule applies in the case of adoption.

We also refer the reader to various provisions of the Québec Automobile Insurance Act (RSQ c A-25), considered above.

- (4) Guarantees in favour of working mothers who are self-employed or participating in a family enterprise

It has long been an accepted practice for a wife to work with her husband in a family business without being paid any salary, and thus having no independent financial or professional status. In the event of misfortune - dissolution of the marriage, death of the husband or bankruptcy of the business - the wife finds herself without resources, and her years of work are not recognized as having any value or significance.

A private women's educational and social action association (Association féminine d'éducation et d'action sociale (AFEAS)) has undertaken to provide working women with independent financial status and professional recognition. After a year of meetings and discussions this organization, which is of a voluntary nature, is preparing to hold the founding congress of an association of women working with their husbands (Association de la femme collaboratrice du mari), the objectives of which will be:

- to gain recognition for the economic value of a woman's work;
- to ensure that her economic life is recognized as independent of that of her spouse;
- to provide information and increase awareness of the public in general and working spouses in particular.

Working wives seek to be recognized as independent workers, with fringe benefits, unemployment insurance and a pension plan. Like anyone else, they aspire to a minimum of security and dignity.

- (5) Assistance to mothers to enable them to maintain their children in the event of their husband's death or absence

The Québec Pension Plan, created by the Québec Pension Plan Act (RSQ c R-9) pays a pension to any orphan child or child of a disabled contributor for the period necessary to place the child in a foster family or reception centre.

The responsibility of applying for payment of an orphan's or disabled contributor's child's pension, and collecting the amount, is borne by social service centres for recipients whom they are responsible for placing in a reception centre or foster family.

In accordance with the Québec Pension Plan, if the recipient of an orphan's or disabled contributor's child's pension is under 18 years of age, the pension is paid to the person entirely or largely responsible for his maintenance or to anyone designated by the Board. The payment of a pension in no way affects determination and payment of parents' contributions.

We refer the reader to the other measures indicated above.

C. Protection of children and young persons

(1) Principal laws and regulations

We refer the reader to the report on Articles 6 to 9, at page 300⁶.

And:

- Youth Protection Act (RSQ c P-34);
- Act respecting health services and social services (RSQ c S-5).

NOTE: The measures relating to the rights mentioned in paragraphs 2, 3 and 5 will be combined under 2 - "Protection of young persons in difficulty", since the Youth Protection Act covers all these rights.

(2) Protection of young persons in difficulty

Since April 1, 1978, in Québec the Youth Protection Act (RSQ c P-34) has sought to ensure greater protection for young persons and respect for their rights, to keep such young persons in their natural environment or in conditions as closely approximating such environment as possible, and finally, has attempted to define new responsibilities for adults.

As the Act became totally effective on January 15, 1979, only, we shall confine ourselves to the general framework, as it is still too early to provide statistics.

Operating Structure

Youth Protection

Department of
Social Affairs

Director
of Youth
Protection

"Structure"
of the
Youth
Protection
Act

Department of Justice

Juvenile
Courts

Youth
Protection
Committee

Persons
appointed
by the
Minister
of Justice

(Social services centres),

Services for children through Social Affairs Offices:

Social service centres

Reception centres

Local community service centres

Drop-in centres

The Act respecting health services and social services (RSQ c S-5) makes social service centres responsible for the social protection of children whose development is endangered as the result of deficiencies in the family environment (abandonment, disability, irresponsibility by parents, illness and so on).

The objective is to provide surroundings as normal as possible, accompanied by professional services, to enhance the child's development and self-sufficiency.

The child rehabilitation program consists of three parts: rehabilitation of the socially maladjusted, of the mentally handicapped and of the physically handicapped.

Rehabilitation of the socially maladjusted is the responsibility of reception centres. In Québec a reception centre is defined as a facility in which in-patient, out-patient or home-care services are offered for the lodging, maintenance, keeping under observation, treatment or social rehabilitation of persons. For some time the primary emphasis has been on providing social services still of the out-patient type, such as group centres, day-care centres and work centres in the natural environment.

In the case of the mentally handicapped, the Department of Social Affairs has pursued its objective of making mentally handicapped young persons part of the school system, in accordance with an understanding with the Department of Education. Rehabilitation programs have been complemented by assistance from protected workshops and day-care centres, which have ensured that community services are accessible to the mentally retarded.

With respect to the rehabilitation of the hearing impaired, extensive consultation with the groups chiefly concerned in providing services to children with hearing difficulties will enable the Department of Social Affairs to issue a policy on their requirements in the near future.

On the question of rehabilitation of the visually handicapped we would ask the reader to refer further to paragraph(B-6) of Article 12: "Main features of existing arrangements for the provision of medical care and methods of financing them".

(4) Provisions governing work by children and young persons

In Québec the work of young persons is regulated by the Industrial and Commercial Establishments Act (RSQ c E-15). Division IV of this Act deals with the duration and other working conditions of [the employment of] employees under 18 years of age, the legal age of majority in Québec.

Under section 6(2) of the aforesaid Act, "every member of the personnel of an establishment must be at least sixteen years of age".

Section 8 of the same Act states that:

8. It is forbidden for any employer in any industrial or commercial establishment, for any person carrying on any industry, trade or business, for any owner, tenant or manager of a theatre, cinema, club, amusement hall, arena, hotel or restaurant, for any telegraph company employing messengers, or in the case of printers or agents who distribute advertisements or hand-bills, and for owners of department stores who employ boys or girls as messengers, to employ any boy or girl less than sixteen years of age. However the inspector may, by means of a permit which he issues for such purpose, allow the persons contemplated by this section to employ any boy or girl not less than fifteen years of age, between the end of one school year and the beginning of the next, or a boy or girl who attains fifteen years of age before 1 July of the year or who has been released from the obligation to attend school.

This section shall not apply to the head of the family who employs his wife or his children in his industry or business; nor shall it apply to persons employing domestic or farm servants.

In addition to these provisions, there are the following:

9. It is likewise forbidden for any boy or girl less than sixteen years of age to sell papers, or carry on any business in the streets or public places, unless able to read and write fluently and easily.

Such various occupations shall not be continued after eight o'clock in the evening.

10. No employer, who employs a boy or a girl who has not complied with the provisions of this act, may, in case of accident, plead contributory negligence on the part of the victim.

12. Every employer failing to comply with any of the requirements of sections 8 to 11, shall, for each such offence, be liable to the penalty prescribed by section 28.

The aforesaid penalties take the form of a fine. In the case of an individual, the fine must be at least \$200 and not more than \$600 for the first offence, while for a corporation the minimum is at least \$500 and not more than \$2,000. In the case of a subsequent offence within two years, the minimum and maximum just mentioned are doubled, and in the case of any further offence within two years the indicated amounts are tripled. It should also be mentioned that parents and tutors are also held responsible unless the work is done without their consent or complicity, or negligence on their part.

The hours of work for persons under 18 years of age may never exceed nine hours in any one day nor 50 hours in any one week, except during the two weeks preceding the New Year, when a maximum of 54 hours per week is authorized. The hours of employment must not commence before 7 a.m. nor end after 10 p.m.

In all cases a period of one hour must be allowed each worker for meals.

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. General and specific measures taken to achieve an adequate standard of living and a continuous improvement of living conditions of people

These measures will be set out further on in the text.

B. Right to adequate food

(1) Principal laws and regulations

- An Act respecting the Ministère de l'agriculture RSQ c M-14;
- An Act respecting the Ministère de l'industrie et du commerce - RSQ c M-17;
- An Act to preserve agricultural land - SQ 1978 c. 10;
- An Act respecting farm income stabilization insurance RSQ c A-31;
- Crop Insurance Act - RSQ c A-30;
- Farm Credit Act - RSQ c C-75;
- An Act to promote special credit to agricultural producers during critical periods - RSQ c C-79;
- An Act to promote the development of agricultural operations - RSQ c M-36;
- Farm Producers Act - RSQ c P-28;
- Horticultural Societies Act - RSQ c S-27;
- Farmers' Clubs Act - RSQ c C-9;
- Agricultural Merit Act - RSQ c M-10;

- Agricultural Societies Act - RSQ c S-25;
- An Act to promote farm improvement - RSQ c A-18;
- An Act to promote the development and modernization of regional dairies - RSQ c A-19;
- Maritime Fisheries Credit Act - RSQ c C-76;
- Animal Health Protection Act - RSQ c P-42;
- Stock-breeding Syndicates Act - RSQ c S-39;
- Butter and Cheese Societies Act - RSQ c S-29;
- An Act respecting cold storage warehouses for fish and bait - RSQ c E-12;
- Farm Products Marketing Act - RSQ c M-35;
- An Act respecting the Société québécoise d'initiatives agro-alimentaires - RSQ c S-21;
- Dairy Products and Dairy Products Substitutes Act - RSQ c P-30;
- Agricultural Products and Food Act - RSQ c P-29;
- Sea Food Processing Act - RSQ c P-17;
- An Act respecting the bread trade - RSQ c C-32;
- An Act respecting cooperative agricultural associations - RSQ c S-24;
- Agricultural Abuses Act - RSQ c A-2;
- Bees Act - RSQ c A-1;
- An Act respecting health services and social services RSQ c S-5;
- Family Allowances Act - RSQ c A-17;
- Social Aid Act - RSQ c A-16;
- An Act respecting the Québec Pension Plan - RSQ c R-9;
- Workmen's Compensation Act - RSQ c A-3;
- Automobile Insurance Act - RSQ c A-25;
- An Act respecting the Centre de recherche industrielle du Québec - RSQ c C-8.

(2) Measures taken to develop or reform the agrarian systems

In Québec, the Minister of Agriculture has been given the following functions, powers and duties under the Act respecting the Ministère de l'agriculture (RSQ, c M-14):

2. The functions, powers and duties of the Minister shall be the following:

(1) he shall devise and see to the implementation of policies and measures respecting the production, processing, distribution, marketing and use of agricultural products;

(2) he shall effect or cause to be effected, for the purposes contemplated in paragraph 1, research, studies, inquiries and inventories;

(3) he shall establish, on the conditions he determines, the advisory or technical committees necessary to elaborate or carry out the policies and measures contemplated in paragraph 1;

(4) he shall have the supervision of agricultural schools or colleges, model farms, beet sugar factories

and colonization societies receiving government grants, permanent agricultural exhibition committees, agricultural and horticultural societies, farmers' clubs and institutions for teaching agriculture;

(5) he shall have the power to make, out of the funds placed at his disposal, when he deems it advisable, and under such conditions as he thinks necessary to impose, loans of money, grants and advances to agricultural societies, farmers' clubs, syndicates, cooperative associations and other institutions formed for the purpose of furthering the interests of agriculture;

(6) he may, under such conditions as he determines, organize competitions among farmers or settlers, pay them premiums, allowances or indemnities, make grants to municipal corporations for the carrying out of drainage works and have land improvements executed under supervision or by contract;

(7) he shall fulfil the other duties and exercise the other powers determined by the Lieutenant-Governor in Council.

The Minister is also responsible for providing aid to undertakings, by managing an annual fund of \$4,000,000 for guarantees or advances to agricultural associations (s 19). The Minister may also regulate the execution of drainage works at the request of municipal authorities (s 22). Finally, the Minister may prepare plans, programs or projects to encourage the recovery or development of agriculture, a better use or conservation of agricultural resources or the setting up, extension, consolidation and modernization of plants to prepare and process agricultural products.

In order to develop and spread knowledge in the field of agriculture, the Government of Québec maintains two institutes of agricultural technology, with over 900 students per year. Also available to the public is an adult training program with courses which last from a few days to a few months. The total budget assigned to these two institutes is of the order of \$8,000,000.

The Québec Department of Education also offers training in agriculture through a course in agricultural business management in two colleges of general and professional instruction (C.E.G.E.P.). In addition, 15 regional school boards offer an option in agricultural methods. Sainte-Croix, a private college subsidized by the Québec Department of Education, also offers courses in agricultural technology. Lastly, a program is planned for Anglophones at MacDonald College.

At the university level, Laval University in Québec City offers bachelor's degrees in agricultural science through its agriculture and food department. McGill University offers the same course for anglophone students.

Although the main responsibility of the Industry and Commerce Department is to develop these two branches of activity, it is also responsible, under section 2, paragraph 5, of the Act respecting the Ministère de l'industrie et du commerce (RSQ, c M-17), for:

Promoting the advancement and development of the maritime fisheries in the province.

One of the most significant laws adopted by the Québec government was the Act to preserve agricultural land (SQ 1978, c 10). This legislation is designed to secure for agriculture land which, in view of its bio-physical characteristics, combined with the climatic conditions of the area, is suitable for agricultural use.

It also meets two other objectives, namely:

- to ensure the viability of agricultural operations by controlling the sub-division and alienation of lots;
- to encourage the development of agriculture by reducing constraints relating to agricultural activity and extending this activity to waste land with good potential.

In order to attain its objectives, the Act to preserve agricultural land provides that the government may identify designated agricultural regions in respect of the territory of Québec.

Within a designated agricultural region, a provisional agricultural zone is identified for each municipality. Plans and technical descriptions of the provisional agricultural zones are filed with the office of the secretary of each municipality and the office of the appropriate registration division.

No person may effect the alienation of a lot or use a lot within a provisional designated agricultural zone for any purpose other than agriculture without the authorization of the agricultural land preservation commission (Commission de protection du territoire agricole du Québec), established by this legislation.

Further, there are provisions against the sub-division and alienation of agricultural land and the removal of topsoil from agricultural land. Also, sugar bushes are specifically protected by the Act, which provides that maple trees in these areas may not be felled except for purposes of forest management.

Lots already in use or subject to permits authorizing their use on the date of the coming into force of the provisions of the Act may benefit from acquired rights.

The Act enables the government to regulate the removal of topsoil as well as lawn-turf operations.

Businesses in operation on the date of the coming into force of a designated agricultural region decree must limit their operations to the areas already in use on that date and must obtain a permit within six months.

Moreover, permits from the Commission (Commission de protection du territoire agricole du Québec) shall be required for any expansion of operations or for starting new operations.

Horticulture/greenhouse production, nursery and lawn-turf operations may be continued without a permit if a declaration is submitted to the Commission by the producers to the effect that they are involved in such activity and are complying with regulations.

The financial security of farmers is also protected through a series of pieces of legislation.

The Act respecting farm income stabilization insurance (RSQ c A-31) is designed, as indicated in its section 3, to guarantee a positive net annual income to those producers or categories of producers who operate in accordance with the production and marketing norms provided in the scheme. For such purpose, compensation shall be paid by the commission [Commission administrative des régimes d'assurance-stabilisation des revenus agricoles] to the participant whose net annual income is lower than the stabilized net annual income.

In addition, section 4 of the Act provides that the comparative advantages of production and optimum utilization of agricultural resources shall be taken into account in the establishment of a scheme.

The government's contributions to the fund are equal to twice the amount of the contributions made by the participants (s 8).

The Crop Insurance Act (RSQ c A-30) enables participants to protect themselves against the harmful effects of: snow, hail, hurricane, excessive rain, drought, frost, wild animals including birds, insects and plant diseases, flood, freezing of the soil or the formation of ice in the soil during the preceding months of November to April, where the forage crops were insured the preceding year (s 24).

The assessment rates are fixed annually and must be uniform within each agricultural zone for each category of crop (s 26). The insurance covers up to 80 per cent of the losses, thus enabling a farmer to maintain the cost-effectiveness of his operation. The coverage was at first provided only for the traditional major crops; then, gradually, coverage programs were developed for specialized producers such as fruit growers, horticulturalists and cereal producers. The latest programs even

cover blueberry producers and, soon, maple syrup producers and sericulturists will be offered coverage. The participation rate has rapidly improved and within a very short time 50 per cent of Québec agricultural producers will be taking advantage of the coverage offered. During the 1979 season, the total amount guaranteed was on the order of \$100,000,000. In the course of the first ten years, a total of \$26,500,000 was paid in compensation. The security and peace of mind thus provided ensure a better life for farmers.

Access to credit by farmers has been made easier through the Farm Credit Act (RSQ c C-75), which provides mortgage loans of up to \$150,000 to an individual farmer and \$200,000 to joint borrowers or agricultural exploitation partnerships, to assist in the establishment of young farmers, the modernization of farms and the enlargement of agricultural operations. Thus, a farmer between the ages of 18 and 40 may obtain a loan equal to up to 90 per cent of the value of his farm.

The Act to promote credit to farm producers (RSQ c C-77) enables farmers to obtain loans or credit of up to \$50,000, the repayment of which is guaranteed by the government, for any of the following purposes: (1) to defray current expenses relating to the production of crops; (2) to purchase livestock intended exclusively to produce meat or eggs; (3) to defray current expenses relating to the raising of livestock; (4) to purchase standing crops.

The Act to promote special credit to agricultural producers during critical periods (RSQ c C-79) enables farmers to obtain credit guaranteed by the government in the event of a natural disaster which endangers their incomes. "Natural disaster" includes droughts, hurricanes, tornadoes, violent winds, earthquakes, landslides, electrical storms, excessive rains, floods, hail, frost, sleet, heavy snowstorms, uncontrollable fire of any origin, an insect plague beyond normal control seriously affecting a designated production, and plant and animal diseases, when their spread reaches epidemic proportions and seriously affects a designated production. Loans made are intended to enable the producer to meet expenses considered essential to pursue the activities inherent in his operation or to make up the difference between the prices he receives for produce of a designated production and their production cost.

The Act to promote the development of agricultural operations (RSQ c M-36) also provides for the establishment of farmers. This Act provides that the Minister of Agriculture may make various grants to farmers and agricultural partnerships. Thus, all young farmers aged from 18 to 40 years may obtain \$1,000 to establish themselves on a farm and all farmers may obtain up to \$2,000 to enlarge an existing farm. Agricultural exploitation corporations and partnerships may take advantage of these same

grants so long as they have among their membership at least one young farmer aged from 18 to 40 years.

The Farm Producers Act (RSQ c P-28) provides that an agricultural producer has the right to belong to a syndicate of his choice and sets out the terms under which he may exercise this right.

Various measures have been taken to promote the organization of farmers into societies or groups. The Horticultural Societies Act (RSQ c S-27), for example, provides that 25 persons at least may organize and form themselves into a horticultural society, and that 40 persons at least may organize and form a pomological and fruit-growing society. All such societies are entitled to a grant of \$500 on condition that their exhibitions are open to the whole of Québec.

The Farmers' Clubs Act (RSQ c C-9) provides for farmers to organize at the parish level. The purpose of farmers' clubs is to procure books, magazines and newspapers treating of agricultural subjects for their members, promote and favour experiments in farming, manure and improved agricultural machinery and implements, encourage the study of the best methods of fattening cattle, producing milk, manufacturing butter and cheese and improving and draining lands. Any farmers' club may also have animals of improved breed sold, by auction or otherwise, provided the purchasers undertake to keep such animals within the territory of the club during such time as the club may determine.

Agricultural societies (Agricultural Societies Act, RSQ c S-25) are, in contrast, organized at the county level for the purpose of discussing and hearing lectures on subjects connected with the theory and practice of improved husbandry, promoting the circulation of agricultural papers, offering prizes for essays on questions of theoretical or practical agriculture, importing or otherwise procuring animals of superior breeds, new varieties of plants and grains, and seeds of the best kinds, organizing ploughing matches, competitions respecting standing crops and the best cultivated farms, and holding exhibitions and giving prizes for the raising or introduction of superior breeds of stock, the invention or improvement of agricultural implements and machines, the production of all kinds of grain or vegetables, for excellence in any agricultural productions or operations, and generally for the improvement of domestic and manufacturing industry, and for works of art. Each county agricultural society is entitled to a yearly grant from the government equal to twice the amount subscribed and paid by its members. The Act also provides for the organization and administration of these societies and the procedure to be followed in competitions.

- (3) Measures taken to improve methods of production and the quantity and quality of food produced, to increase yield

per unit of cultivated land and to improve methods of animal husbandry

Several Québec laws are aimed at improving the yield and profitability of cultivated land.

The Act to promote farm improvement (RSQ c A-18) authorizes any farmer to borrow a maximum of \$50,000 for one or more of the following purposes:

- (1) improvement of the land;
- (2) purchase or repair of farm implements or agricultural tools or machinery;
- (3) purchase of breeding stock;
- (4) purchase, erection or improvement of farm buildings;
- (5) construction and organization of a fattening station;
- (6) installation or improvement of a drinking-water supply system;
- (7) installation or improvement of electric wiring;
- (8) purchase of contingents and quotas; and
- (9) purchase of additional land.

Each loan is guaranteed by the government to the equivalent of ten per cent of the total loans of this type approved by the financial institution.

The Act to promote the development and modernization of regional dairies (RSQ c A-19) provides that the Minister of Agriculture may guarantee the total repayment of loans to promote the development or modernization of a factory to produce dairy products and substitutes, and so ensure better service and prices to the producer-suppliers of any one region. The Minister may also pay for five years, as a contribution to amortization of the debt, an amount equal to four per cent of the amount the repayment of which is guaranteed. The total amount of the guarantees shall not exceed the sum of \$32,000,000.

There is also legislation to promote agriculture by honours and rewards and by acknowledging services rendered to it. The Agricultural Merit Act (RSQ c M-10) provides that one or more competitions of agricultural merit shall be organized each year for all Québec for the various spheres of agricultural activity. Prizes in the form of titles and scholarships are awarded both to those taking part in the competitions and to any other person who has rendered services to agriculture by agricultural research work, scientific missions, works or publications on agriculture or the creation of scholarships or endowments to encourage instruction in agriculture.

The Maritime Fisheries Credit Act (RSQ c C-76) authorizes the government to guarantee and pay if need be, up to a sum of

\$500,000, the reimbursement of advances or loans made, or loans effected, for maritime fishery purposes by co-operative associations and federations of co-operative associations and savings and credit unions. The government may also make advances or loans to fishermen or to societies trading in fish for the construction, repair, purchase or operation of fishing-boats and fishing equipment or for the payment of debts contracted for such purposes.

Horses, cattle, sheep, hogs, poultry, dogs, cats and fur-bearing animals raised in captivity are protected by the Animal Health Protection Act (RSQ c P-42). This Act identifies the contagious and parasitic diseases for which various measures must be adopted. The Act also covers the sale and transportation of animals and the sanitary conditions of stock-raising places and the disinfection of such places, fixes the indemnities payable to the owners of animals which must be slaughtered and regulates artificial insemination and stallion inspection. The sanitary conditions for selling live animals by auction are also established.

Québec stockbreeders can form unions, the administrative organization of which is provided for in the Stock-breeding Syndicates Act (RSQ c S-39).

The production of butter and cheese is regulated by several Acts, including the Butter and Cheese Societies Act (RSQ c S-29). This Act provides for the organization of such societies, their powers and duties. Division III of the Act lays down penalties for selling milk of bad quality to manufacturers of butter and cheese.

(4) Measures taken to improve and disseminate knowledge regarding methods of food conservation

Several of Québec's initiatives in this area may figure elsewhere in this report. Let us cite, for example, the Act respecting cold storage warehouses for fish and bait (RSQ c E-12), which authorizes the Minister of Industry and Commerce to establish and equip cold storage warehouses to preserve fish and bait. Every year 22 warehouses with an annual operating budget of \$1,500,000 process some 3,500 metric tonnes of fish.

(5) Measures taken to improve food distribution

Two laws in particular enable the Québec government to intervene in the distribution of food products to further private enterprise initiatives.

The Farm Products Marketing Act (RSQ c M-35) sets up the Québec Agricultural Marketing Board, which is responsible for making

available to producers and consumers an additional means of orderly and fair marketing of farm products. The Act clearly states that it "shall not be interpreted as tending to compete with the cooperative organization for the production and marketing of farm products". Ten or more interested producers may apply to the Board for approval of a joint plan for the marketing of a farm product. When the project is approved, a producers' board is established and assumes responsibility for the conditions of production, storage, preparation and handling of the product. The Agricultural Marketing Board may also prescribe the classification and identification of the product and production and sales quotas; it may determine the type and conditions of marketing and fix prices, or entrust price-fixing to a committee.

The Act respecting the Société québécoise d'initiatives agro-alimentaires (RSQ c S-21) establishes authorized corporate securities of \$10,000,000 and makes the Société québécoise d'initiatives agro-alimentaires responsible for promoting the installation, modernization, expansion, development, consolidation or grouping of the industries of the food sector and for participating or intervening in the production, processing, conditioning and marketing of any product related to the sector of agriculture or food and to commercial fisheries.

(6) Measures taken to improve food consumption levels and nutrition

In September 1977, the Department of Social Affairs made public a nutritional policy for Québec involving an analysis of Quebecers' food habits and the resulting health problems. The policy lists the objectives to be met and the means of action and programs to be implemented over the next ten years to improve the health of Quebecers.

The aim of this policy is to restore the dietary balance in such a way as to prevent, on the one hand, cases of malnutrition and deficiency diseases and, on the other hand, dental decay and diseases of over-consumption, foremost among which are obesity, diabetes, coronary and cerebro-vascular disease and intestinal disease due to lack of fibre in the diet.

A health promotion campaign was launched in Québec in March of the 1977-78 financial year, with the main focus on nutrition, tobacco consumption and drug abuse. Advertising took the form of television and radio commercials, billboards and signs. A Québec food guide was distributed to all those concerned with a view to improving the health and welfare of Quebecers through properly balanced nutrition.

The Department of Social Affairs and its network of establishments, including hospital centres, together with community health departments, reception centres and local community service centres, are gradually developing health and

social services programs incorporating nutrition and sound eating habits. School authorities, in particular the Montréal Island school boards, have also prepared nutrition programs. There are varying degrees of overlap among the programs, which encompass expectant mothers, infants, preschool children, school children and adolescents, the labour force and senior citizens.

Efforts to fill in the gaps in nutritional and community health education are directed toward five groups: medical students, student dietitians, other health care professionals and physical educators in training, community health department and local community service centre dietitians on hiring and on the job and nursery, elementary and secondary school and university teachers.

(7) Measures taken to reduce food adulteration and contamination

Several Québec statutes pertain to this area.

The Dairy Products and Dairy Products Substitutes Act (RSQ c P-30) lays down the criteria to be followed in marketing and producing dairy products and their substitutes and in transporting and distributing milk and cream. An investigation and inspection system is outlined and the various parties may be assisted by an advocate in every procedure. The law also provides for penalties in the form of fines as well as the possible cancellation of the operating permit.

The Agricultural Products and Food Act (RSQ c P-29) lays down that in Québec, "no person shall prepare, keep, exhibit for sale, offer for sale or leave on consignment, sell, transport, cause to be transported or accept for any destination in Québec, a product which is unwholesome, comes from an unwholesome source or does not comply with the requirements of this act and the regulations." The Act also forbids any indication on the product which could lead the purchaser to be confused as to the source, nature or quality of the product. Furthermore, every person operating a slaughter-house or packing-house or engaged in the manufacture, preparation, conditioning or storing of food must immediately discard every product that is tainted or unfit for consumption or otherwise not in conformity with the Act or regulations. The conditions respecting the origin of meat or meat products held or used by a retailer or restaurant owner must be observed in similar fashion. The Act further authorizes the government to order any person engaged in the preparation, conditioning, processing, keeping for sale or sale of a product to register with the Minister. An inspection system is also in effect, and the food unfit for consumption may be seized and the offenders prosecuted.

We should also mention that most large cities in Québec have their own system for inspecting the quality of products sold in the restaurants and food stores under their jurisdiction.

The Sea Food Processing Act (RSQ c P-17) authorizes the government to make or amend regulations respecting the preparing or canning of fish, mollusks and crustaceans, as well as the inspection of factories for preparing or canning seafood intended for market.

The establishments where bread is made, stored, distributed or offered for sale in Québec are regulated by the Act respecting the bread trade (RSQ c C-32). The Act states that the weight of the loaf must be indicated on the wrapping together with the marker's name and address. The same Act also authorizes the government to fix a minimum price for bread. An inspection system is in effect to ensure compliance with the provisions of this Act.

Lastly, we would mention the Bees Act (RSQ c A-1), which lays down the steps to take when a contagious disease is found in an apiary. The Act also regulates the sale of queen bees (female bees) so as to ensure the health of the apiary. It forbids any person to spray a fruit tree using any mixture containing any compound of arsenic or any other poison hurtful to bees during the time when the trees are in bloom.

- (8) Measures taken for dissemination of knowledge of the principles of nutrition

See above for the measures laid down under paragraph B-6, improvement of nutrition.

C. Right to adequate clothing

- (1) Principal laws and regulations

An Act respecting the Ministère de l'industrie et du commerce - RSQ c M-17

The reader is also referred to the social legislation cited under Article 10: protection of the family, mothers and children.

- (2) Information on measures taken aimed at improving methods of production

In May 1980 the Québec Department of Industry, Commerce and Tourism made available to the textile, hosiery and garment industries a total of \$80,000,000 for the purpose of modernizing their equipment, specializing their production and organizing themselves. This modernization program, spread over a period of four years, contains four principal measures.

This financial assistance to the textile and garment industries is aimed essentially at encouraging and helping them to: (a) prepare modernization plans and other studies with a view to improving the operation of firms; (b) acquire modern machinery

and equipment and reorganize factories along functional lines; (c) design, develop and perfect in Québec production equipment better adapted to their needs; and (d) launch groupings of firms that will pool various services such as supply, transportation and export sales.

The Department of Industry, Commerce and Tourism also plans to establish two productivity centres for the garment and textile industries, discussions on which are under way with the principal parties concerned, in particular industrial associations, the Québec national institute on productivity (Institut National de Productivité du Québec) and the Québec industrial research centre (Centre de recherche industrielle du Québec).

The modernization program for the textile, hosiery and garment industries applies to existing firms and runs from April 1, 1980 to March 31, 1984.

Financial assistance for modernization plans and other studies can take the form of a grant equal to 75 per cent of eligible costs, up to a maximum of \$100,000 for a single corporation. However, where all or part of a study is undertaken jointly by a group of firms, the grant may cover 90 per cent of the costs.

Financial assistance for modernizing equipment and reorganizing factories consists in a grant equal to 30 per cent of the first \$3,000,000 of eligible investments and 15 per cent of additional expenses, with the total grant not to exceed \$2,000,000 for a single corporation.

Financial assistance for innovation in production equipment can be a grant equal to 50 per cent of eligible expenses, up to a maximum of \$200,000 for a single corporation.

Financial assistance to groupings of firms for the purpose of pooling certain functions or services will take the form of a grant equal to 80 per cent of the initial costs of training and organization, up to a maximum of \$10,000; assistance will thereafter be in the form of a grant not to exceed \$200,000 for the duration of the program, to defray a decreasing share of overhead expenses, administrative expenses and operating expenses during the first three years of operation.

The capital expenditures required by a grouping are also eligible for a grant equal to 30 per cent; in addition, as a "last resort" source of financing, the portion of expenses and capital expenditures not covered by grants can be taken out as a loan at the market rate, at the rate of 15 per cent or at the lower of the two rates.

The modernization program for the textile and garment industries is predicated on the need for these industries to take advantage

of the current slack period to step up their productivity and improve their competitive position vis-à-vis imports. It does, however, assume that the current policy of protection against detrimental imports will continue at least for the duration of the program.

Firms that undertake modernization plans are required to take into account the impact of these plans on the work force, make use of existing manpower adjustment programs and co-operate in every way possible with the Department of Labour and Manpower.

A project evaluation committee consisting of seven members - four representatives from industry and three from the government - will make recommendations to the Minister of Industry, Commerce and Tourism on the granting of the financial assistance that will be made available under this program.

(3) Information on technical methods used

The reader is referred to the preceding paragraph.

D. Right to housing

(1) Principal laws

An Act respecting health services and social services - RSQ c S-5;

Social Aid Act - RSQ c A-16;

Youth Protection Act - RSQ c P-34;

An Act to ensure the handicapped in the exercise of their rights - SQ 1978 c 7;

Family Housing Act - RSQ c H-1;

An Act respecting the Société d'habitation du Québec - RSQ c S-8;

An Act respecting the Société de développement immobilier du Québec - RSQ c S-11.

(2) Information on measures taken aimed at expanding housing construction to meet the needs of all categories of the population, particularly low-income families

Since 1976 the Québec Pension Board (Régie des rentes du Québec) has been responsible for administering a program of contribution towards school property taxes, aimed at providing the elderly with some relief from the school taxes burden.

Under this program a portion of the school property taxes is rebated to property-owners and lessees who, on a given date, were 65 years of age, were receiving the old age security pension and had their principal residence in Québec. In 1977-1978 the requirement of receiving the old age security pension in order to qualify under this program was dropped. Hence a person over 65

years of age who has paid the school property taxes on a residence owned by his spouse under 65 years of age is also entitled to the rebate.

Property-owners are entitled to a rebate of 50 per cent of the school property taxes on their principal residence, up to a maximum of \$125. Lessees may receive a rebate equal to five per cent of their annual rent, up to a maximum of \$75.

As of December 31, 1978, 233,562 persons had received an average of \$68.43.

Under the Act respecting the Société d'habitation du Québec (RSQ c S-8) the Québec housing corporation (Société d'habitation du Québec) makes low-rental housing available to persons and families of low income. To carry out this mandate, the Corporation is not restricted to constructing new housing; it can acquire existing housing and rehabilitate certain old buildings. Under the rental subsidy program underprivileged citizens who are tenants in a building belonging to a rental housing co-operative or to a nonprofit organization receive an allowance to cover the difference between the rent normally payable and their ability to pay.

The housing produced by the Corporation or by a municipal housing bureau duly authorized by it is intended for three categories of low-income persons: families, independent retired persons and handicapped persons. For each of these clienteles there are corresponding types of housing to specifically meet their needs. Once construction has been completed, the Corporation turns operation over to a municipal housing bureau.

The Corporation also works with the Québec lodging corporation (Corporation d'hébergement du Québec) of the Department of Social Affairs in the construction of reception centres for dependent elderly persons, and with the Québec Department of Education in the construction of student housing.

Additionally, the Corporation has a home ownership program, involving both individual ownership and collective ownership. As of December 31, 1977, 34,783 owners of single-family or duplex houses had received an interest rebate estimated at over \$5,000,000. Moreover, in the years to come, these citizens can expect to receive nearly \$43,000,000 in assistance, depending on the financial undertakings of the Corporation and the terms of their contract.

In 1978 the Corporation significantly stepped up its home ownership program in order to meet the growing demand for the formation of rental housing co-operatives. This assistance program, in operation for only a year and a half, offers grants to any group of citizens of low or moderate income interested

in setting up rental housing co-operatives for the purpose of acquiring and restoring or constructing housing for the use of their members. The encouraging results of this program demonstrate the ever-growing interest of Quebecers in this form of home ownership.

The Corporation also has a program of restoration of residential buildings, the objective of which is to improve the quality of the housing stock by encouraging, in conjunction with the municipalities, the restoration of existing housing and by urging owners of residential buildings to restore their buildings to make them comply with minimum standards of occupancy. The Corporation offers municipalities technical assistance by making available professionals who can advise them on preparation and implementation of the program.

The student housing program is aimed at providing suitable housing for students at universities, C.E.G.E.P. or school boards requiring such housing, and provides for the construction, acquisition or improvement, restoration or alteration of existing buildings into student housing.

The program of reception centres for elderly persons is aimed at making available to the Québec lodging corporation (Corporation d'hébergement du Québec) the funds necessary for the establishment of reception centres for elderly persons as determined by the Department of Social Affairs. The Québec housing corporation (Société d'habitation du Québec) loans up to 60 per cent of the money required for the establishment of such reception centres.

The rental subsidy program is aimed at providing financial assistance to enable persons and families of low income to pay rent proportional to their income.

As of December 31, 1978, the Québec housing corporation (Société d'habitation du Québec) had made 544 loans for a total of \$520,190,402.

- (3) Information on the use of scientific and technical knowledge and of international co-operation

Nil.

- (4) Information on measures taken to solve the special problems of housing

The reader is referred to paragraph (C-2) above.

Under the Act to secure the handicapped in the exercise of their rights (SQ 1978 c 7) a municipality, when preparing a housing program, must provide for the arrangement of dwelling units made

accessible for the handicapped. The Québec housing corporation (Société d'habitation du Québec) cannot approve a housing program unless the latter provides that dwellings are to be made accessible for the handicapped.

(5) Measures taken for the protection of tenants

Under the Act to promote conciliation between lessees and property-owners (RSQ c C-50) a rental board (Commission des loyers) is constituted and it is its duty, among other things, to ensure that the Act is applied "in a spirit of justice and fairness to lessees and property-owners". The Board also monitors and rules on the following: prevention of evictions and fixing of rents, recovery of possession of a dwelling by the owner, reasons for cancellation of a lease, reduction of rent as a result of deterioration or reduction in services, registration of a declaration of co-ownership respecting a housing immovable occupied by a lessee, conversion of a dwelling-house into a commercial or industrial establishment, subdivision into several dwellings, demolition of a dwelling-house, application for cancellation and disguised additional rent.

Section 63 of this Act stated: "The spirit and the purposes of this act are to do justice to all interested parties, to encourage conciliation between them, and to ensure a rental regime equitable to the public in general, having regard to the circumstances, and in its application it shall be interpreted broadly and in keeping with those principles."

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

A. Principal laws and regulations

Act respecting health services and social services (RSQ c S-5);
Public Health Protection Act (RSQ c P-35);
Health Insurance Act (RSQ c A-29);
Hospital Insurance Act (RSQ c A-28);
Mental Patients Protection Act (RSQ c P-41);
Bill 17, assented to on December 21, 1979;
Environment Quality Act (RSQ c Q-2).

B-(1) Information on measures taken to reduce the stillbirth rate and infant mortality

We refer the reader to "Maternity protection", dealt with under Article 10 above.

B-(2) Information on measures taken for the healthy development of children

The reader can find relevant information under "Maternity protection", dealt with under Article 10 above.

The Department of Social Affairs also has a program to promote health and psycho-social balance through prevention and detection in the schools. School social and health services consist of adapting certain general programs to this specific segment of the population: information and education in the area of hygiene, family and social life, sexuality, alcoholism and the other forms of drug addiction, as well as health protection and early detection of diseases through vaccinations, medical and dental examinations and testing of hearing and sight.

Community health departments are responsible for all school health programs at the primary, secondary and college levels. This responsibility involves the following functions of community health departments: determination of the nature and content of the specific programs to be offered; adequate preparation of the staff responsible for implementing them; control and performance evaluation of the programs and staff; and signing of service contracts with the teaching establishments.

To assist the parties in a clear understanding of their respective roles and responsibilities, and of the co-operative mechanisms to be developed, the Department has co-operated with the Department of Education in publishing a guide for ensuring health services to pupils of the school boards and C.E.G.E.P. students, for use by hospital centres having community health departments and by teaching institutions.

B-(3) Information on measures taken to protect and improve all aspects of environmental and industrial hygiene

The Environment Quality Act (RSQ c Q-2) concerns the quality of water and management of waste water (Division V), the depollution of the atmosphere (Division VI), waste management (Division VII), the sanitary conditions of immovables and public places (Division VIII), protection against rays and other energy vectors (Division IX) and the supervision and control of noise (Division X).

The Act provides the general framework for environment protection and is supplemented by regulations. For example, the regulation on the quality of the work environment was enacted under this Act.

The purpose of this regulation is stated in section 2, as follows:

The purpose of this regulation is to govern the presence of dusts, gases, fumes, vapours and mists, the lighting, temperature, humidity, heat stress, noise, sanitary facilities, ventilation, hygiene, sanitation and cleanliness in establishments for the purpose of ensuring the quality of the work environment, and to safeguard the life and health of the workers.

A full description of the technical standards contained in this regulation would be tedious. As an illustration, however, in the area of air quality, we might mention that the regulation sets out the standards applicable to adjacent areas and to the percentage in volume of airborne oxygen at any work location in an establishment, which must be 19.5 per cent at normal atmospheric pressure, and deals with protective equipment, the use of protective equipment, air supply, application to underground construction sites, ventilation, air changes, local ventilation, presence of lead and lead products, sand blasting, recirculation of air, fresh air intake, air supply in underground operations, sulphur content of any diesel fuel used in an underground construction site or underground mine, ventilation of underground operations, prohibition of access to any unventilated section of an underground construction site or underground mine, and conditions governing the use of surface vehicles and vehicles used for supervising underground operations.

The regulation deals with heating, heat stress, lighting, noise and sanitary standards applicable to all establishments.

Finally, several schedules stipulate average and maximum concentrations of gases, dusts, fumes or mists which may occur in the air at any work location, establish rates of air change per hour for certain categories of establishments, state the formula according to which ventilation must be provided in warehouses in which vehicles with internal combustion engines circulate, and give the standards for temperature in establishments and for evaluating heat stress. Finally, the regulation includes tables indicating the assessment of work load in average values of metabolic rate during different activities and illumination levels in establishments.

B-(4) Comprehensive plans and specific measures to prevent epidemic and other diseases

The reader will note that the prevention and detection programs in the schools were presented under (B-2) of this chapter.

Community services ranging from the provision of preventive counselling to the distribution of care and services are vested in the Department of Social Affairs under the heading of community health. This includes nutrition, perinatal care, fluoridation, industrial hygiene and home services.

Nutrition has already been dealt with under Article 11, and perinatal care under Article 10.

The Department of Social Affairs is responsible for administering the Public Health Protection Act (RSQ c P-35), which makes fluoridation of the water obligatory for all owners of filtration plants in Québec. This fluoridation is being carried out on a

voluntary basis. During the 1977-78 fiscal year, \$500,000 was given to municipalities in the form of a subsidy to cover the cost of purchasing and installing a system of fluoridation. About 20 facilities were modified to comply with Department of Social Affairs standards and directives on fluoridation, and some ten additional systems were installed during the year. In April 1977, about 735,000 Quebecers were receiving the benefits of fluoridated drinking water, while the figure had risen to approximately 1,300,000 by March 31, 1978.

In 1977-78, there was a period of transition in the industrial hygiene sector with the start of a thorough reform of mechanisms governing the health and safety of Québec workers. Three principal factors related to this transition in the industrial hygiene sector characterize the year in question.

Sixteen community health departments have been provided with an industrial hygiene co-ordinator position, whose main function is the directing, planning and organizing of community health department activities in industrial medicine.

In co-operation with representatives of the association of community health department directors, the Department has developed two action priorities for 1978 affecting smelters and asbestos plants. These priorities were adopted, in particular, in light of the seriousness of the hazards for company workers and the regulations in force.

At the request of community health departments, and in accordance with the protocol established, a designated institute undertakes systematic surveillance and detection examinations of workers sent by community health departments.

The development of home services, comprising nursing care and individual material assistance, constitutes a major part of the Social Affairs Department's policy of action for the elderly, the chronically ill, the handicapped and families in difficulty. In addition to encouraging early action, and so encouraging preventive measures, the home services provide an alternative for certain prospective clients faced with choosing between no services at all and permanent recourse to reception centres or hospital centres providing prolonged treatment.

By offering to the chronically ill, the handicapped and the elderly in need such material and medical assistance as household upkeep, preparation of meals and other types of services and support, as well as basic nursing care, the home services are hoping to avoid or delay the hospitalization or lodging of clients, reduce their hospitalization periods, keep them in their natural environment and make access to services easier.

In 1977-78, \$28,051,000 were allocated to home services, \$8,100,000 to school services and \$10,600,000 to research. The

total budget for that year was \$46,800,000 compared with \$37,900,000 the previous year.

B-(5) Adequate health services and medical services in the event of sickness or accident

In addition to hospital centres, the local community service centres have begun activities, which vary according to the resources available to them, in the areas of medical consultation services, taking of samples, analysis services and X-ray services.

In the area of ambulance services, the Department of Social Affairs has, as of January 1, 1979, set itself the objective of ensuring the availability in every part of Québec of an ambulance service that meets regulatory quality standards, particularly in those areas where the small amount of business makes the operation unprofitable. This means that anyone 65 or over can be taken free of charge by ambulance to a hospital centre or any other establishment of the social affairs system that can provide him with appropriate care. Conveyance by ambulance is free if the patient's health requires it and will not allow movement by any other means (taxi, private automobile or public transportation). Responsibility for this belongs to the attending physician, the physician who takes charge of the patient upon his arrival at the establishment, or any other person specifically designated for this purpose by the establishment concerned (hospital centre, local community health centre or the like). All regions in Québec are included in this program.

The purpose of the extended care program is to ensure for convalescents and the chronically ill the extended care their condition demands. The approach adopted in this area involves active prolonged care oriented toward rehabilitation, renewal of activity and quality of life; these call for concrete action with regard to the physical and human environments and state of health.

For several years now, the Department of Social Affairs has been developing detoxification and rehabilitation services for alcoholics and other addicts. Specialized resources in this activity sector now include 14 rehabilitation centres offering out-patient and in-patient services and 22 out-patient consultation centres. Each year, more than 15,000 people in all regions of Québec use these services. In recent years the emphasis in the development and the organization of these resources has been placed on out-patient services (information, early detection, prolonged follow-up and rehabilitation) and, as much as possible, the trend had been to cut down on the number of cases requiring a stay outside normal surroundings. In addition, the Department of Social Affairs contributes to the funding of a federation of volunteer organizations for the treatment and prevention of

alcoholism and drug addiction. At present the federation consists of 70 volunteer agencies in different Québec municipalities with 6,000 volunteer workers. All these volunteer agencies provide services in a complementary relationship with the other resources of the social affairs network.

The aim of the volunteer services program is to encourage the participation of voluntary or charitable groups, whose services contribute to the success of health and social services programs.

During the 1977-78 fiscal year the program of support to volunteer organizations made great strides. The Department of Social Affairs, wishing to pay special attention to the volunteer organizations sector, set up a standing committee responsible for analysing applications for grants. These grants enable the volunteer organizations to develop volunteer service through meeting urgent needs which are not being provided for, such as those of the physically or mentally handicapped, women and adolescents in need of assistance, alcoholics and drug addicts, single-parent families, and the aged; they also enable the organizations to ensure that their programs are complementary to existing programs.

B-(6) Main features of existing arrangements for the provision of medical care and methods of financing them

The Health Insurance Plan was established under the Health Insurance Act (RSQ c A-29) and came into force November 1, 1970.

All people who are considered to be residents of Québec are eligible for services provided under the Health Insurance Plan. Furthermore, certain programs affect only specific categories of people residing in Québec, such as children, the aged and people receiving social assistance. Eligibility for these programs is determined in accordance with criteria besides that of residence in Québec.

Health Insurance Plan services are provided through a variety of programs: the medical services program; the dental services program; the optometric services program; the medication program; the prostheses, orthopedic devices, apparatus or other equipment program; and the assistance for the visually handicapped program.

The medical services program came into force on November 1, 1970. Above all, the program covers remuneration on a fee-for-service basis within the framework of health insurance. This remuneration, which has been paid directly by the Health Insurance Board from the program's inception, applies mainly to services provided in a hospital, with the exception of laboratory tests, X-ray examinations, certain other diagnostic procedures and X-ray treatments.

Dental services are provided under three programs: the oral surgery program, the dental services program and the program for people receiving social assistance.

From the time the plan was introduced all Québec residents have had access to the oral surgery program, which provides for oral surgery examinations, consultations and services carried out in a hospital centre or in a university teaching establishment as defined by regulation. Moreover, the dental services program, which was instituted on May 1, 1974, enables children of an age determined by regulation to receive a wider range of dental services without any restriction as to the source of the services.

In 1974, only children under eight years of age were eligible for the complementary program. Since that time, however, the program's age limit restriction has been extended annually four times. Thus eight-year-olds became eligible in 1975, nine-year-olds became eligible in 1976, eleven-year-olds became eligible in 1977, and twelve- and thirteen-year-olds became eligible in 1978. Therefore, children under fourteen years old are now eligible within the framework of these two programs for all the services covered by the agreements in force. The number of times that dental services have been provided to people receiving social assistance or their dependants has shot up from 16,944 in 1976 - the first year of the program - to 191,562 in 1977.

The optometric services program encompasses optometric services defined by regulation and provided by an optometrist.

These services include complete, partial or follow-up vision examinations, vision and colour perception tests, central or peripheral fields of vision examinations, eye motility tests, adaptometry, subnormal vision tests, aniseikonia correction and examinations preliminary to contact lens prescriptions. The optometric services program came into force at the same time as the Health Insurance Plan, on November 1, 1970. All people considered to be Québec residents are eligible for services under the program.

In accordance with the provisions of the Health Insurance Act a medication program came into force on August 1, 1972. The program covers the cost of services and medication provided by a pharmacist on the orders of a doctor or a dentist.

Initially, only the beneficiaries of the Social Aid Act and the beneficiaries of certain government social assistance measures were entitled to these services. Since October 1, 1977 they have been available to all Québec residents aged 65 or over. In order to obtain medication under the program, people receiving social assistance and people receiving the guaranteed monthly income

supplement must hold an eligibility certificate issued by the Department of Social Affairs, while Québec residents aged 65 and over need only present their health insurance card. The Health Insurance Board's list of medication covered under the program is drawn up by the Minister of Social Affairs on the basis of the recommendations of the Advisory Council on Pharmacology. Types of medication are grouped in accordance with a classification system developed by the American Society of Hospital Pharmacists.

The program concerning prostheses, orthopedic devices, apparatus or other equipment covers only the cost of purchase, adjustment, replacement or repair of prostheses, orthopedic devices, apparatus or other equipment, as defined by regulation, which compensate for a physical deficiency or deformity and are supplied under set conditions. The equipment covered by the program was selected from among the most commonly used items. The services provided under the program must be prescribed by a doctor who specializes in orthopedics or in physiatrics. Moreover, these services must be provided by a firm or a laboratory which has signed an agreement with the Québec Health Insurance Board. The program came into force on July 1, 1975 and all people considered to be Québec residents are eligible.

On November 30, 1977 the Department of Social Affairs also instituted a rehabilitation program for the blind and partially sighted people of Québec. The main activity under this program is the provision to the blind and partially sighted people of Québec of visual aids, free of charge, such as optical to tactile pulse converters, television sets, calculators, special typewriters and guide dogs. The social service centres also ensure that such equipment is maintained and repaired. Visual aids are loaned to the handicapped. Thus the handicapped incur no expense for such aids, since they are paid for by the Health Insurance Board.

Moreover, with respect to social readjustment, the program makes provisions for such activities as various training courses. Examples of these are mobility training - which teaches the handicapped person to get about on his own - re-education in verbal and written communication, optical training for the partially sighted, development of manual skills, and training in the day-to-day activities of life.

Scholarships, too, constitute a scheme to deal with shortages of medical staff in certain regions of Québec. The Health Insurance Board provides the scholarships in two equal payments - one in September and one in January of the academic year. Research grants consist of annual allowances which must be used to create and maintain research positions. The Québec Health Research Council supplies the Minister of Social Affairs with a list of candidates eligible for the annual research grants, which the Board provides in four payments at the beginning of each quarter.

Until March 31, 1977 the sources of funding for the Health Insurance Plan were the contributions of individuals and employers in Québec, the contribution of the federal government under the Medical Care Act of Canada, and the contributions of the Department of Social Affairs.

On April 1, 1977, the federal government introduced a new method of funding health programs. The federal contribution was replaced by a transfer of tax points - the proceeds of which were paid into the Québec Consolidated Revenue Fund - and by the payment of \$140,000,000 to the Board.

For the 1978-79 fiscal year a new method of financing was introduced which provides for the creation of a special fund called the health insurance fund which is to meet the financial requirements of the Health Insurance Board. The health insurance fund is derived from the contributions of employers (1.5 per cent of the wages paid to their employees) and from amounts drawn from the Consolidated Revenues Fund paid out by the Minister of Finance in accordance with changes in the financial requirements of the Board. Beginning April 1, 1978 federal participation in the Health Insurance Plan - assessed at \$151,000,000 for the 1978-79 fiscal year - was paid into the Consolidated Fund.

9. SASKATCHEWAN¹

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the Family

(1) Principal Laws

The Province of Saskatchewan has always attempted to protect the family unit by legislation and to ensure the support of all dependent members of a family where possible in accordance with Article 10(1) of the Covenant. Instances of such legislation are The Deserted Wives' and Children's Maintenance Act, R.S.S. 1978, C. D-26, which has been in force since 1910, The Reciprocal Enforcement of Maintenance Orders Act, R.S.S. 1978, C. R-4, which has been in force since 1968, The Dependants' Relief Act, R.S.S. 1978, C. D-25, which has been in force since approximately 1928.

Under The Deserted Wives' and Children's Maintenance Act application can be made to the court for support of a deserted wife or deserted children. A child qualifies for support until the age of 16 years, or until the age of 18 years where suffering a physical or mental disability.

The Reciprocal Enforcement of Maintenance Orders Act allows for inter-provincial enforcement of maintenance orders for the support of spouses and children.

The Dependants' Relief Act provides that dependants of a deceased may apply to the court to obtain provision for their maintenance out of the deceased's estate where the deceased has neglected to make provision for them in his will. A dependant under this Act means a wife or husband of the deceased, a child under 18 legitimate or illegitimate of the deceased, or a child over 18 who because of mental or physical disability is unable to care for himself or herself. In relation to this legislation, the courts have held that the spouses cannot automatically contract out of the protection offered by this Act, i.e., by the use of a separation agreement, but the court will look at the circumstances surrounding the making of a separation agreement to determine whether the spouse is still a dependant. Collard v. Collard (1977), 28 R.S.L. 252. The purpose of the Act is to secure, at once and finally, to a dependant so far as the estate will permit, reasonable provision for the future where the deceased has failed to do so. Courtney v. Lister et al (1958), 24 W.W.R. 676. The Act will not be allowed to be used to facilitate a person "grasping" at the estate to the detriment of others. In re Estate of Wilfred Floyd Young v. in re Application by Cecilia Mary Young, Sask. Q.B. Dec. 1, 1976. Also see Darlene Elsie Berg

1. Report prepared by the Government of Saskatchewan (Department of Intergovernmental Affairs).

v. the Official Guardian for the Province of Saskatchewan as Guardian for Infants Darcy Berg and Kevin Berg, Sask. Q.B. Jan. 20, 1976.

The Intestate Succession Act, R.S.S. 1978, C. I-13, allows that where a person dies without leaving a will the estate if under \$40,000 goes to the spouse and if the estate is more than \$40,000 in value, then \$40,000 goes to the spouse and the rest is divided between the children. The Act allows a method for both legitimate and illegitimate children to claim out of the deceased's estate.

The Province of Saskatchewan has granted assistance to family units since the 1930's and most recently has been carrying out this responsibility under the auspices of The Saskatchewan Assistance Act, R.S.S. 1978, C. S-8. The provisions of this Act allow for the granting of financial assistance to families in need.

The well-being of the family is further protected by provisions in The Labour Standards Act guaranteeing to working parents, unpaid maternity leave, paternity leave, and adoption leave. In addition, the Act guarantees to workers a period of up to five days as unpaid bereavement leave in the event of the death of a family member.

In addition to the above, the Province of Saskatchewan has further legislation to ensure the right of everyone to marry, and to provide assistance to the family. These include: The Marriage Act, R.S.S. 1978, C. M-4; The Family Services Act, R.S.S. 1978, C. F-7; The Corrections Act, R.S.S. 1978, C. C-40; and the programs of the Saskatchewan Department of Social Services. These are dealt with in the following sections (2, 3, and 4) of Saskatchewan's Report on Article 10.

(2) Right of Marriage

The Marriage Act guarantees the right of all men and women to enter into marriage, subject to certain conditions. These have to do with the appropriate pre-marriage paperwork and documentary evidence to prove a divorce, or death of previous spouse, and sometimes, precautionary medical tests to stop the spreading of contagious diseases. No person under sixteen years of age may be married, except in very special cases. "Minors", under the age of eighteen years, must have the consent of their parent(s) to marry.

Finally, section 53 states that:

"No person who:

(a) is mentally retarded as defined in the regulations;

(b) is a mentally ill person as defined in the regulations; or

(c) has, in a communicable state, one of the communicable diseases specified in the regulations;

shall marry within the province." 1976-77, C. 46, S. 21.

Marriage must be entered into freely and with an informed consent. If a person is coerced into marriage or enters into a marriage not comprehending the nature of the ceremony, then the marriage is voidable. The court cases which have made this point are: Thompson v. Thompson, (1971) 4 W.W.R. 383 (Sask. Q.B.) and Sobush v. Sobush, (1931) 2 W.W.R. 900 (Sask.).

Any consenting person may marry in Saskatchewan, subject to the conditions noted above. There is no discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status in accordance with Article 2(2) of the Covenant. In fact, section 39 of The Marriage Act specifically guarantees the right of the Doukhobortsí people to celebrate marriage according to the rites and ceremonies of their own religion, or creed.

(3) Establishment of the Family

The Province of Saskatchewan has in place measures to facilitate the establishment of a family. These refer to the Saskatchewan Family Income Plan, the programs of the Department of Social Services, and the services provided under The Family Services Act.

The Saskatchewan Family Income Plan provides direct financial benefits to families whose income and assets are below certain levels and who have dependent children under 18 years of age. The program is designed to assist low income working families in providing care for their children. Although many of the families receiving benefits under the Family Income Plan are single parent families, the program is not restricted to families whose single parent is the mother.

Support services to mentally handicapped persons are provided by the Department of Social Services. These services include the promotion of prevention of mental retardation and handicapping conditions, intervention and development services for young children and the promotion of community acceptance and resource development for handicapped children and adults.

Services provided to families, under the auspices of The Family Services Act, are designed to assist families who are experiencing difficulty in providing proper care to their children. The services are aimed at enabling the parents to care for their

children at home. For children who may require protection, he/she is removed from his/her home. In such cases, substitute care arrangements include foster homes, group homes and child care centres. In cases where families are experiencing only a temporary crisis, the child is taken into care until the problem has been resolved within the family, at which time, the child is returned to his/her own home.

The Department of Social Services is the only legal adoption authority in the province. As such, it is responsible for the recruitment and selection of adoption families and appropriate placement of children. Emphasis is also placed on locating adoption resources for children with special needs.

(4) Assistance to the Family

The Department of Social Services provides services to families where both parents are working.

The Department of Social Services is responsible for setting standards and licensing day-care centres and family day-care homes. Financial assistance, consultation and support services are also offered to day-care parents, family day-care providers and day-care centres. Day-care services in Saskatchewan include full-time (all day) and part-time (part day) care for pre-schoolers and school-age children whose parent(s) are working, attending an educational institution or are unable to care for their children due to ill health.

A Community Resource Home Outreach Program provides parental relief services for families with handicapped dependents in times of emergencies, planned vacations or respite requirements.

The Department also operates four centres for children under 16 years of age who are emotionally disturbed, delinquent, awaiting repatriation or pending completion of placement plans. In addition, the Department purchases services from private organizations to provide care for children who are emotionally disturbed or who have been apprehended.

Services to Families of Inmates

The Corrections Branch of the Department of Social Services is responsible for the administration of The Corrections Act. The following sections of this Act provide for the protection and assistance of families of inmates, and for the maintenance of standard of living and the physical and mental health of the inmates.

Section 29 states that "The Minister may, at his discretion and during his pleasure, provide for an allowance for any person committed to any correctional facility of the province and upon

his release may provide him with a suitable outfit of clothing, transportation to his home or the home of his parents or guardian or to any other reasonable destination, and a sum of money to assist him in becoming re-established in the community".

Part IV of the Act provides for the establishment of Community-Training Residences to permit an inmate to pursue work, education, medical treatment or a rehabilitative program. Consideration of an inmate's family needs are often a major factor in his ability to participate in the program, and indeed, his family's needs are considered a major obligation on him while he participates in the program.

For over ten years, our corrections system has provided inmates with the opportunity to visit with their families in modern cottages separate and apart from the correctional centres. These cottages have absolutely no physical security provisions. One reason for the absence of physical security provisions is to provide a relaxed mental and emotional environment for the visit.

In 1978, the Branch established an inspections and standards development function. The unit is responsible for standards development and co-ordination, as well as for the conduct of regular inspections of our corrections programs.

In 1979, the Corrections Branch began a review of legislation and regulations with the view to bringing them up to date with recent developments in the corrections and human rights field, and to provide for established standards.

B. Maternity Protection

(1) Principal Laws

The Province of Saskatchewan subscribes to Article 10(B) of the Covenant to provide mothers with special maternity protection.

The major legislation in this regard is: The Saskatchewan Human Rights Code, 1979, S.S. 1979, c. S-24.1; The Labour Standards Act, R.S.S. 1978, C. L-1; and The Children of Unmarried Parents Act, R.S.S. 1978, C. C-8. These Acts are described more fully in the following sections.

The Saskatchewan Human Rights Code, 1979 protects the rights of pregnant women by prohibiting discrimination on the basis of pregnancy or pregnancy related illnesses.

(3) Maternity Leave for Working Mothers

The main provisions relating to maternity leave are found in Part IV "Maternity Leave for Female Employees" of The Labour Standards Act.

This Act guarantees the right of all employed women to be granted maternity leave "for a period not exceeding eighteen weeks commencing at any time during the period of twelve weeks immediately preceding the estimated date of birth" (section 23(3)). This period may be extended by six weeks, if there are bona fide medical reasons.

No employer may "dismiss, suspend, or otherwise discriminate" against an employee who is pregnant, temporarily disabled because of pregnancy, or has applied for maternity leave. The employee upon returning from maternity leave will be reinstated at the same or comparable position, with not less than the same wages and benefits she would have received had she not been granted maternity leave, and with no loss of seniority or pension benefits".

Maternity leave is unpaid under The Labour Standards Act, but the federal and provincial governments supply security benefits where required. The federal government also provides unemployment insurance under certain conditions.

(5) Protection for Single Parents

The Department of Social Services administers The Children of Unmarried Parents Act. The purpose of this Act is to provide for an unmarried mother to obtain assistance from the putative father for her medical and hospital expenses incidental to the lying in of the mother and birth of her child and reasonable sum for maintenance of the child.

This legislation, then, is a legal mechanism whereby a mother of a child has legal recourse to obtain maintenance support payments from the father of a child.

C. Protection of Children and Young Persons

(1) Principal Laws

The Province of Saskatchewan has in place several pieces of legislation to promote the protection of children and young persons as described in Article 10(3) of the Covenant.

The major legislation covered in the following sections of this report includes: The Children of Unmarried Parents Act, R.S.S. 1978, C. C-8; The Family Services Act, R.S.S. 1978, C. F-7; and The Infants Act, R.S.S. 1978, C. I-9. In addition, related legislation has been described in Saskatchewan's Report on Articles 6-9 of the Covenant.

(2) Care of Children

The Children of Unmarried Parents Act allows that an unmarried woman can enforce maintenance for herself and her child from the

natural father of the child. This maintenance is enforced by application to the courts. This Act has been in force since 1973.

The Family Services Act allows the Province through the Department of Social Services to interfere with the family unit to ensure that the child receives adequate care and protection. Under The Family Services Act, the Department can apply for temporary or permanent wardship over a child or can be given supervisory rights with regard to a child. The Act also deals with matters of adoption.

The Department of Social Services also provides services to juvenile offenders. It assesses the family circumstances and the community situation and makes recommendations to the court accordingly. The court may place the child under supervision of the Department, or commit the child to the Department for a temporary period.

As well, the Department of Social Services operates a children protection registry program. This program records the names of children who have been abused or neglected and monitors the services which are provided to the family. The main thrust of the program, to date, has been on the education of professionals and the public regarding child abuse and neglect.

The Infants Act dates back to approximately 1918 and establishes the jurisdiction of the Queen's Bench Court to oversee matters of custody of children. It should be noted that the Queen's Bench Court in Saskatchewan has an inherent jurisdiction from the common law to oversee all matters dealing with infants and children in the province. As with The Family Services Act, the welfare of the infant is the prime consideration of the Court, under and The Infants Act. Banda v. Banda, (1978) 6 W.W.R. 130. "Infant" under this act means anyone under the age of 18 years. Under this Act the Queen's Bench Court can make orders with regard to custody of children, must be consulted before the sale or disposition of property owned by an infant, may appoint guardians for infants and their estates, and allows for the appointment of an official guardian who administers the estates of infants who are without parents or guardians.

(4) Youth Employment

The safeguards and restrictions concerning youth employment are provided in The Family Services Act, The Education Act, The Urban Municipality Act, and The Radiation Health and Safety Act. These have been described in full on page 343 of Canada's Report on Articles 6-9. In brief, these acts state that the minimum age for most work is sixteen, although youth under sixteen may be hired when proper care and treatment of the child is assured; no one less than eighteen years of age may be employed on occupations which require them to be regularly exposed to ionizing

radiation; and urban councils have the right to make bylaws respecting the minimum age and conditions for youth employment.

(6) Statistical Data on Youth Employment

In the Province of Saskatchewan, the following statistics for youth employment were recorded in 1979 (annual average):

Age Group: 15-24

labour force population	183,000
labour force	126,000
employed	116,000
unemployed	10,000
unemployment rate	7.7%
participation rate	68.6%

Age Group: 15-19

unemployed	5,000
unemployment rate	9.6%

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. General and Specific Measures

Senior citizens in Saskatchewan with low incomes receive financial support through the Saskatchewan Income Plan. This program provides a direct cash benefit to senior citizens whose main source of income derives from the federal Old Age Security and Guaranteed Income Supplement pensions.

The Saskatchewan Assistance Plan also provides assistance to individuals and families who have insufficient resources of their own to meet their requirements for food, shelter, clothing, health services, and other basic necessities. The allowances are reviewed annually in relation to the current economic and social environment and are adjusted accordingly. This program also has provisions for exceptional food and shelter needs.

Under the Saskatchewan Assistance Plan, an appeal process has been established in order to ensure that persons have the right to assistance and some recourse if they believe they have been treated unfairly. Members of the appeal bodies are persons from the community at large and are not employed by the Department of Social Services. In this way, an attempt is made to ensure that review panels treat all appeals without bias or prejudice.

Homemaker services (e.g., meals, homemaker, handyman)² are available to most families in Saskatchewan. These services,

2. Meal service is a program designed to provide a hot nutritious

provided by nonprofit boards and agencies, are funded primarily by the Department of Social Services. With the assistance of homemaker services, many individuals are able to remain in their homes, as an alternative to institutionalization. In this way, the family unit is left intact and is thereby strengthened.

The Department encourages industry and private non-profit organizations (through consultation and financial incentive) to create and provide employment for the handicapped. Training on-the-job projects are particularly useful for this purpose.

The Department also funds projects which employ the economically disadvantaged, including persons of Native ancestry. Projects funded often include new housing construction, home repair, municipal and community improvement and community employment co-ordination services. Benefits derived from these employment projects are essentially the following: income to sustain a minimum standard of living; utilization of skills and development of potential abilities of unemployed individuals; and increased services and economic goods.

Persons with a physical disability or mental impairment which prevents them from obtaining gainful employment are often provided with assessment, restorative and other rehabilitative services by the Department of Social Services. In addition the Department funds two work preparation centres. The major objective of these centres is to assist persons who are having difficulty in securing or maintaining employment. This is accomplished through vocational planning and counselling with the use of community resources. At the completion of the program, many individuals become self-supporting and are no longer dependent upon financial assistance provided by the Department.

International Co-operation

The Province of Saskatchewan participates in international co-operation projects to promote the right of everyone to an adequate standard of living. In 1974, Saskatchewan established the Matching Grants for International Aid Program to provide a vehicle for sharing Saskatchewan's wealth with the people of the Third World.

meal as needed to persons who are unable to prepare adequate meals for themselves.

Homemaker service is a program which provides supervised home makers to meet the personal needs of an applicant or to keep a home together as a family unit in times of stress.

Handyman service is a program which provides supervised handy-men to do minor home maintenance, heavy seasonal house cleaning and yardwork.

The program is quite simple. There are twenty-three non-governmental agencies (e.g., the Canadian University Service Overseas (CUSO), CANSAVE, the Canadian Catholic Organization for Development and Peace) that have joined together to form an organization called the Saskatchewan Council for International Co-operation. Each member agency raises money from its Saskatchewan constituency for projects that it has designed to aid people of the Third World. If the project is approved by the Canadian International Development Agency (CIDA), the Government of Saskatchewan will match up to the amount raised by the agency in Saskatchewan; the combined Saskatchewan contribution is then matched, through CIDA, by the federal government.

Most of the projects are of a developmental nature designed to help people help themselves. The projects deal with areas as diverse as agriculture, education, health, and co-operative development. Although welfare programs are generally avoided, lately a few projects designed to provide emergency relief for refugees or victims of natural disasters have also been approved.

Recently, the Government of Saskatchewan contributed \$70,875 to a project designed by World Vision of Canada to fight tuberculosis in several disadvantaged areas in the world.

Twenty-five hundred dollars was contributed to OXFAM for a project to establish a clothing production industry that is intended to provide emergency clothing supplies for Rhodesian refugees, and to provide continued employment opportunities for Zambian citizens.

A contribution of \$16,030 was made for a Foster Parents Plan project in Guatemala that is designed to provide loans to families to establish pig, chicken or honey producing businesses.

B. Right to Adequate Food

(1) Principal Laws

The Province of Saskatchewan recognizes the right of everyone to adequate food. The following sections, 2 and 3, outline the domestic agricultural projects supported by the Government of Saskatchewan through its' Department of Agriculture, and section 9 details the international agricultural projects supported by the Government through the Agricultural Development Corporation.

(2) Reformation of Agrarian Systems

The Outlook Irrigation Branch, Saskatchewan Agriculture

The Problem

Irrigation development is a good investment for Saskatchewan and for a farmer. However, the transition from dryland to irrigated

agriculture is not easy nor automatic. There must be major shifts in farmer's attitudes respecting farming practices and techniques, cropping patterns and crops grown, marketing facilities and procedures, in addition to the newly acquired expertise in water scheduling and other aspects of irrigation engineering.

Society has an immediate benefit when land is developed, due to the added economic activity of investment and increased operating costs. However, the farmer begins to really benefit only when he has accepted the shift, and society's real on-going benefits come from the economic activities generated by crops that support secondary industry and value-added potential such as the more intensive special crops and livestock production.

Objectives

1. To develop a viable irrigation area on a pilot project basis that will facilitate intensive development in other areas of Saskatchewan;
2. to facilitate intensive production, processing and marketing of livestock, special crops and vegetables; and
3. to assist farmers to develop irrigable acreages in the Outlook irrigation area.

Operations

The Outlook Irrigation Branch, established October 17, 1977, assumes the co-ordinating function for Saskatchewan Agriculture activity in the Outlook area and in Saskatchewan irrigation. The Branch provides a package of extension and research services deemed necessary to ensure irrigation is a good investment for Saskatchewan and to assist individual farmers to achieve success in their transition to irrigation.

(3) Agrarian Research

The following examples of Saskatchewan projects undertaken since 1976 conform to the provisions of Article 11 (2(b)) "to improve methods of production, conservation and distribution of food...".

It should be noted that the Government of Saskatchewan, through Agriculture Saskatchewan, participates in each activity either exclusively, or in conjunction with other agencies or institutions.

(a) Promotion of Research

The Saskatchewan Agricultural Research Fund

To ensure that special problems confronting Saskatchewan agriculture are researched and to bolster funding for pure and

applied agricultural research in the province, the Saskatchewan Agricultural Research Fund was established by the June 15, 1979, proclamation of The Agricultural Research Funding Act.

The current \$3.25 million Fund serves as a capital fund from which the annual interest will be made available to individuals, corporations, co-operatives, associations or other organizations for the purpose of agricultural research.

(b) Agrarian Research Projects

1. The Veterinary Infectious Diseases Organization (VIDO)

The Veterinary Infectious Diseases Organization was established at the University of Saskatchewan by grants from the Devonian Foundation of Calgary, the Government of Alberta, the Government of Saskatchewan and the University of Saskatchewan.

The purpose of VIDO is to conduct research on indigenous infectious diseases of food producing animals. Much of this work is practical or applied research, with the aim of utilizing discoveries in basic sciences and translating these to useful applications on the farm. To this end, VIDO provides research laboratories, scientific equipment and infectious disease isolation facilities and employs the staff necessary to conduct research according to the needs of farmers and priorities of the institution.

Examples of research projects concluded, underway or proposed, include research into infectious diseases of food-producing animals concentrating on:

(i) Enteric diseases - neonatal diarrhea

e.g., developed E. Coli calf scours vaccine

- E. Coli toxoid research

- research on management control and viral causes of calf diarrhea

- chemical treatments for pig scours

(ii) Swine herd health

- application of mini-computers in herd health

- management control of disease

- swine rotaviruses in gnotabiotic pigs

(iii) Respiratory diseases

- TEME (Thromboembolic Meningo Encephalitis)

- survey and vaccine efficacy study
- shipping fever study

2. The Institute of Pedology

The operating plans for the Saskatchewan Institute of Pedology are developed co-operatively through the Department of Soil Science of the University of Saskatchewan; Agriculture Canada, through its Pedology Section and the Saskatoon Research Station; and Saskatchewan Agriculture.

The major function of the Saskatchewan Institute of Pedology is to carry out a continuing program of basic soil surveys and associated pedological research on the classifications, composition and genesis of the soils of Saskatchewan, and to interpret the information in terms of potential productivity and relative suitability for agricultural or other uses. This information is compiled and published in a systematic, co-ordinated manner. In addition, the Institute facilitates the training of undergraduate and graduate students in all phases of soil science, and encourages the integration of research programs between the Department of Soil Science and the Pedology Section of Agriculture Canada.

Examples of research projects concluded, underway or proposed, include:

- soil survey - 1.2 million acres mapped in 1978;
- regional soil studies - soil data base developed for regional planning around Regina, Moose Jaw, Saskatoon, and Prince Albert;
- soil nitrate - nitrogen levels in saline areas;
- reclamation of salt damaged soils;
- research into soil denitrification, soil sulphur, mycorrhizal associations, anhydrous ammonia, soil applied herbicides, and extended crop rotations.

3. The Crop Development Centre

The objective of the Crop Development Centre is to serve the agricultural community of Saskatchewan through research on improved production and utilization of crops grown in Saskatchewan. The Crop Development Centre is included within the College of Agriculture at the University of Saskatchewan, and is closely integrated with the Crop Science Department.

The results of research conducted at the Crop Development Centre are distributed to agrologists, farmers, and the general public for use in improvement of agriculture in Saskatchewan.

The distribution, patenting or disposition of major developments in machines, processes or varieties at the Crop Development Centre are done under conditions agreed upon by the University and Saskatchewan Agriculture.

Examples of research projects concluded, underway or proposed, include:

- (i) Field peas, Fababeans, Flax and Other Special Crops - development of management practice of mostly field peas, fababeans and lentils. Dry beans, chickpeas, vetches, soybeans, lupines and flatpeas also being evaluated for adaptation
 - e.g., - Laird lentils licensed in 1978
 - demonstration project on lentils effective April 1, 1977
 - flax seeding, fertilizer rates, etc. delineated
 - field pea breeding
- (ii) Feed Barley - improve barley from feed and malting aspects by:
 - produce varieties which yield more energy per unit area of cropland
 - for non-ruminants improve energy of barley by removing the hulls - breeding of hull-less barley
 - selection for disease resistance, better quality protein, salinity tolerance and draught tolerance
 - e.g., new 2-row malting variety TR 430 which matures 4 days earlier
 - progress toward high lysine and hull-less variety has been made
- (iii) Oats - breeding to improve grain yield per acre while maintaining seed size without increasing hull content - increase energy content by increasing oil content
- (iv) Wheat - basic objective of spring wheat program is to develop improved bread and utility wheat varieties adapted to central and northern Saskatchewan
 - doing work on:
 - breeding to increase wheat protein content

- late fall seeding of spring wheat
- seed coat color and response to environment
- winter cereals research concentrated on:
 - comparison of winter survival ability
 - cold hardiness in winter wheat
 - soil salinity tolerance of winter rye and wheat
 - response of winter wheat to N & P fertilization

(v) Physiological Studies

- chilling injury in winter wheat, legume crops

(vi) Crop Quality and Utilization

- serve as support investigations on protein, oil and starch properties of new cultivars for breeding selection purposes

(vii) Weed Control

- weed control products were tested and evaluated for field peas, fababeans, lentils, pinto beans, cereal and oilseed.

4. The Prairie Swine Production Research Centre

The growth and profitability of swine production on the Canadian Prairies has been limited significantly by inadequate knowledge about housing systems, husbandry practices, health management and how these major factors interact in the unique conditions of the Prairies. There is ample evidence that information obtained in the mid-Western United States cannot be applied directly to conditions of the Canadian Prairies. This fundamental lack of information plus economic conditions, has contributed to the decline in hog production on the Prairies in recent years.

The Prairie Swine Production Research Centre is part of an aggressive policy to rebuild the Prairies' swine industry, and includes research on those problems placing the greatest restrictions on production that hold promise of resolution, such as building design and engineering, health, nutrition, breeding and management research in swine.

Proposed research projects include:

- (i) protein requirements for breeding sows in the prairie environment

- (ii) biotin levels in sow diets
- (iii) effects of building design on neonatal mortality
- (iv) ventilation, heat recovery, solar heat collection
- (v) herd health
- (vi) economics of swine production simulation model
- (vii) waste utilization studies
- (viii) manure handling methods and soil application.

5. The Outlook Irrigation Branch

This irrigation development project is co-ordinated by Saskatchewan Agriculture. It is described in full in section 2 of the Saskatchewan Report on Article 11.

(9) International Co-operation

The Government of Saskatchewan participates in international co-operation efforts and projects through the Agricultural Development Corporation (a Saskatchewan Crown Corporation), and through the Matching Grants for International Aid Program administered by the Department of Revenue, Supply and Services.

Agricultural Development Corporation

In September 1978, the Agricultural Development Corporation established an International Projects Unit within the Corporation with the objective of facilitating the implementation of international aid projects in agricultural and rural development.

The purpose of this unit is to assist third world countries in their endeavour to improve the quality of life of their people.

Since its inception, the International Projects Unit has been, or is now, involved in the following projects:

Kenya-Isiolo Project - CIDA - Completed July, 1979

The purpose of this project was to assist the Kenyan Government in the development of water supplies and the management of range lands in a semi-desert area of Kenya to enhance the living standards and life expectancy of nomadic herdsmen.

Lesotho - Siloe Rural Development Project - VADA

Established in 1979, this project is one of assistance to a number of villages in which village development councils are being encouraged to plan and institute local improvements in such

areas as development of safe and efficient water supplies, establishment of communal gardens, structural improvement of health clinics and schools, etc., to improve the life style of the villagers and provide local employment opportunities.

Zambia - Wheat Development Project - CIDA

The Agricultural Development Corporation took responsibility for the second (3rd year) phase of this project on August 1, 1979. The purpose is to demonstrate the possibilities of growing rain fed wheat in selected areas of Zambia, to train Zambian farmers in wheat growing methods and, if successful, to develop a settlement scheme in which small holding Zambian farmers will be trained to raise food for local consumption and as cash crop.

C. Right to Adequate Clothing

(1) Principal Laws

The Province of Saskatchewan recognizes the right of everyone to adequate clothing. This right is accomodated in the assessment of basic needs under the Saskatchewan Assistance Plan. An allowance for necessary special clothing may also be provided under this program.

D. Right to Housing

(1) Principal Laws

The Province of Saskatchewan recognizes the right of everyone to adequate housing. It has in place a number of laws and government programs designed to meet this objective.

In Saskatchewan there are several statutes which guarantee the right to occupy housing once shelter is procured. These include The Land Titles Act, R.S.S. 1978, C. L-5, which spells out the right of owners, forms of land transfer and land priorities with respect to mortgages, liens, etc. This Act covers the entire Torrens System of land holding.

Also included are The Residential Tenancy Act, R.S.S. 1978, C. R-22, and The Landlord and Tenant Act, R.S.S. 1978, C. L-6, for renters. These Acts define the right of tenants in a leasehold situation.

Saskatchewan also has rent control under The Residential Tenancy Act (the Rent Control Program) which limits rent increases that tenants can be subjected to on an annual basis. Additional protection is available under the Provincial Mediation Board which arbitrates disputes under The Landlord and Tenant Act and The Residential Tenancy Act.

In the province there is also assistance and protection for those who do not have the necessary income to acquire housing. This is

the primary responsibility of the Saskatchewan Housing Corporation. Under the terms of The Saskatchewan Housing Corporation Act, R.S.S. 1978, C. S-24, the objectives of the Corporation are:

- (a) to promote and carry out the construction and provision of more adequate and improved housing:
 - (i) for low income families and individuals;
 - (ii) for students;
 - (iii) for such elderly persons or class or classes of elderly persons as may be designated by the Corporation;
 - (iv) for families and individuals receiving social allowances or social assistance; and
 - (v) generally, for persons or groups which in the opinion of the Corporation require assistance;
- (b) to improve the quality of housing; and
- (c) to improve the quality of amenities related to housing.

(2) Assistance to Housing

The Government of Saskatchewan has a number of programs designed to expand housing construction, to meet the needs of all categories of the population, particularly low-income families.

The following is a list of these major programs. Unless specifically mentioned, these programs are administered by the Saskatchewan Housing Corporation (SHC):

1. PROGRAM	<u>CO-OPERATIVE HOUSE BUILDING (NEW HOUSING)</u>
OBJECTIVE	To reduce the cost of individual home ownership through bulk purchasing and self-labour by the formation of a building co-operative.
ELIGIBILITY	All new home builders who have moderate incomes, have a satisfactory credit rating and are willing to meet, study and work as members of a co-operative.
ASSISTANCE	Mortgage funds and subsidies are available to families whose incomes are not sufficient to support the full costs of principal, interest and taxes on the home.

2. PROGRAM LAND ASSEMBLY
- OBJECTIVE To ensure adequate supplies of land for residential development and to keep serviced land prices at reasonable levels.
- ELIGIBILITY Municipalities that need serviced lots.
- ASSISTANCE Under the partnership arrangement, the province is responsible for 95 percent of the costs and the municipality assumes the remaining 5 percent. Lots are sold at a price that recovers the full cost of development.
3. PROGRAM ACQUISITION OF EXISTING HOUSING FOR LOW INCOME PEOPLE
- OBJECTIVE To provide reasonably-priced rental housing to persons of Native ancestry and to low-income families.
- ELIGIBILITY Low-income families.
- ASSISTANCE The federal and provincial governments acquire existing moderately-priced housing in centres where a demand exist. The acquisition of these units is shared 75 percent by the federal government and 25 percent by the provincial government with no municipal financial involvement.
- The units are rented to interested families on rent-to-income scale.
4. PROGRAM RURAL HOUSING PROGRAM
- OBJECTIVE To assist low and moderate income families (residing in rural areas and smaller communities) to acquire new homes.
- To aid in the development of a local construction industry.
- ELIGIBILITY A family must reside in a community or area with a population of 2,500 or less. The applicant must have a satisfactory credit rating and have an adjusted family income of \$12,000 or less.
- ASSISTANCE This program is jointly administered by the Saskatchewan Housing Corporation and the Canada Mortgage and Housing Corporation.

A \$500 down payment is required for each housing unit. Capital costs and subsidies are shared 75 percent by the federal government and 25 percent by the province.

Subsidies are based on the public housing rent-to-income scale less a \$30 monthly utility allowance. Payments do not exceed 25 percent of the applicant's income.

5. PROGRAM PUBLIC HOUSING
- OBJECTIVE To provide rental accommodation for low income families and senior citizens at reasonable rental rates.
- ELIGIBILITY All municipalities are eligible as long as there is a need for the project.
- ASSISTANCE Under this program rent varies with income. The higher an individual's income the higher will be his or her rent payments. Rents are not to exceed 25% of the tenant's income.
- Public housing for senior citizens includes highrise apartment projects, single storey apartments, and duplexes. For families, public housing consists of semi-detached, row housing or single-family units. Capital costs and subsidies are shared by the federal, provincial, and municipal governments.
6. PROGRAM NON-PROFIT HOUSING ASSISTANCE
- OBJECTIVE To provide assistance under which non-profit organizations can undertake to provide and operate homes for low-income families, the elderly, or special groups such as the handicapped.
- ELIGIBILITY Non-Profit organizations including municipal non-profit corporations and non-profit continuing co-operatives.
- ASSISTANCE The province provides up to 20% of capital costs for senior citizens' housing only. The Canada Mortgage and Housing Corporation provides up to \$75,000 in start-up funds.
- The Canada Mortgage and Housing Corporation provides an interest "rake-down" subsidy to reduce the interest rate to the borrower. On

loans up to 90% of approved capital cost, an interest rate of 1% is charged. On 100% loans, an interest rate of 2% is charged. Loans are to be obtained from private lenders.

7. PROGRAM SENIOR CITIZENS HOME REPAIR PROGRAM

OBJECTIVE To help senior citizens remain independent by assisting them with repairs that will make their homes more comfortable and liveable, and to help improve the general stock of housing in the province.

ELIGIBILITY Senior citizens who own their own home.

ASSISTANCE The grant is related to the applicant's income and has a maximum value of \$650. Married people must have an income of \$11,000 or less and single people must have an income of \$7,000 or less to qualify for any assistance. Senior citizens may apply for additional assistance under the Residential Rehabilitation Program.

Applicants must apply before work is begun and cost estimates must be submitted with the application. Municipal employees or inspectors of the Saskatchewan Housing Corporation conduct inspections before work commences.

NOTE: This is a winter works program running from September to May.

8. PROGRAM RESIDENTIAL REHABILITATION PROGRAM

OBJECTIVE To provide financial assistance to low and moderate income persons to make necessary repairs to their homes.

ELIGIBILITY Home owners with adjusted incomes of \$12,000 per year or less. Only one loan per family.

Applicants must apply by submitting cost estimates prior to beginning work. Inspectors of the Saskatchewan Housing Corporation view the property before work is started to determine if any other work is needed to bring in to standard and to advise on the extent of work. Funds are advanced as work progresses but inspections are made before funds are advanced for the next stage. An applicant is

not required to take out a loan in order to receive the forgiveness rebate.

ASSISTANCE Low interest loans of up to \$8,000 per dwelling or per applicant.

Loan forgiveness up to \$2,500 depending on income level and amount of work done.

9. PROGRAM RESIDENTIAL REHABILITATION ASSISTANCE PROGRAM

OBJECTIVE To assist in the improvement and repair of substandard dwellings.

ELIGIBILITY Home owners, landlords who agree to rent controls, non-profit corporations and co-operatives.

ASSISTANCE This program is jointly administered by Saskatchewan Housing Corporation and the Canada Mortgage and Housing Corporation.

Assistance is in the form of a loan (maximum \$10,000) of which part of the repayment may be forgiven (maximum \$3,750), depending upon the applicant's adjusted family income.

In addition to the programs noted above, the Department of Social Services serves as a partial funding source for the construction of special care homes for persons (primarily senior citizens) requiring nursing and personal care services. It also licenses and regulates these homes. Subsidies to residents of special care homes are also made by the Department. In addition, responsibility for administering low-income housing units for senior citizens lies with the Department of Social Services.

(3) Scientific and Technical Information

With respect to "the use of scientific and technical knowledge" the Province builds or approves buildings in accordance with the standards set out by the National Building Code of Canada. The Code is designed to ensure that buildings meet minimum health and safety standards prescribed by the federal government.

(4) Problems of Housing

With respect to special problems associated with housing, water supply, and sanitary conditions, the Province of Saskatchewan under the Department of Municipal Affairs and the Department of Agriculture provide technical services and funding in both rural and urban centres for the construction of community water and/or sewer systems and flood control.

A description of these programs is listed below. The first three programs are administered by various branches of the Department of Agriculture; the last two programs by the Saskatchewan Water Supply Board and the Municipal Water Assistance Board, respectively.

1. PROGRAM CONSTRUCTION OF FLOOD CONTROL WORKS FOR URBAN CENTRES

OBJECTIVE To provide financial assistance and engineering services to cities, towns, villages and hamlets, and to investigate and alleviate where feasible, damage caused by flooding.

ELIGIBILITY Cities, towns, villages and hamlets.

ASSISTANCE Upon request from an urban municipality the Conservation and Land Improvement Branch will investigate the flooding problem. Following completion of the necessary surveys and designs, the plans and cost estimates will be reviewed with the municipality. If the decision is made to proceed with the flood control project, then the municipality will be required to raise the local share of construction and subsequent maintenance costs.

The Department provides financial assistance towards the shareable construction costs as follows:

1. If the municipal tax revenue is under \$100,000, the local share must be a 10% minimum.
2. If the municipal tax revenue is in the range of \$100,000 to \$5.6 million, the local share must be between 10-25%.
3. If the municipal tax revenue is over \$5.6 million, the local share must be up to a 25% maximum.

The Department will provide 66 2/3% of the cost of approved maintenance work carried out by the municipality. In the event that the municipality falls within the boundaries of an organized conservation and development area, the flood control project may be sponsored by the conservation and development area authority.

2. PROGRAM MAINTENANCE OF DRAINAGE AND FLOOD CONTROL PROJECTS
- OBJECTIVE To encourage local authorities to undertake regular and adequate maintenance of flood control and drainage works under their jurisdiction which have been constructed with financial and technical assistance provided by the Department.
- ELIGIBILITY Conservation and development areas and watershed associations.
- ASSISTANCE 1. 100% of engineering services.
2. 66-2/3% of actual maintenance costs and 66-2/3% of the wages of the maintenance foreman.
3. PROGRAM RURAL CENTRE WATER AND SEWAGE GRANT
- OBJECTIVE To provide complete technical services and minimum-cost materials to small rural communities for the construction of community water and/or sewer systems.
- ELIGIBILITY Small centres that are able to use a plastic system.
- ASSISTANCE The Family Farm Improvement Branch provides technical assistance, cost estimates and a materials-ordering service to communities that can use a plastic system.
- The municipality finances and takes all responsibility for construction, operation and maintenance of works. The municipality may qualify for grants from the Municipal Water Assistance Board or the Canada Mortgage and Housing Corporation.
4. PROGRAM CONSTRUCTION OF WATER SUPPLY PROJECTS
- OBJECTIVE To develop and operate multi-purpose water supply projects to service municipal, agricultural, industrial, recreational and/or wildlife conservation requirements in designated areas.
- ELIGIBILITY Municipalities (rural and urban).
- ASSISTANCE The Saskatchewan Water Supply Board constructs and operates projects. The costs of construction and operation are recovered through water charges to customers.

Municipalities may be eligible for grants from the Municipal Water Assistance Board, up to 50% of the costs of projects or a maximum of \$150,000.

Municipalities can approach the Saskatchewan Water Supply Board with their problems and proposals. The Board will study the feasibility of proposals and proceed with projects it considers economically viable.

Projects have been undertaken based on studies done by other agencies, such as the Department of the Environment.

5. PROGRAM	<u>GRANTS UNDER THE MUNICIPAL WATER ASSISTANCE ACT</u>
OBJECTIVE	To provide assistance for water and sewage projects.
ELIGIBILITY	Urban municipalities (except cities) and hamlets.
ASSISTANCE	<p>The Municipal Water Assistance Board will:</p> <ol style="list-style-type: none">1. promote and assist with research related to water and sewage systems; and2. provide financial assistance for:<ol style="list-style-type: none">(a) installation of waterworks and sewage (capital portion);(b) improvements of a capital nature to water supply systems, water treatment or storage facilities, sewage treatment facilities and sewage effluent disposal systems.
	<u>Grants Available</u>
	<ol style="list-style-type: none">1. For conventional waterworks systems -- 60% of the first \$10,000 and 50% of the remaining capital costs.2. For conventional sewage systems -- 33 1/3% of capital costs.3. For plastic waterworks and sewage systems -- 60% of first \$10,000 capital costs and 50% of remaining

capital costs where they do not exceed \$300 per capita and 60% of capital costs where they do exceed \$300 per capita.

4. For a water supply pipeline in excess of one mile in length - 50% of the cost.

Maximum Grant - \$150,000 in cumulative grants may be paid to any community undertaking either conventional water and sewage works, or installation of plastic water and sewage systems. An additional maximum of \$150,000 in cumulative grants may be made to a community undertaking the installation of a pipeline in excess of one mile in length.

Note: Where grants are made towards projects deemed eligible by the Municipal Water Assistance Board, such grants shall be reduced by any grant or forgiveness from any senior government or agency (except Community Capital Fund grants).

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

A. Principal Laws

The Province of Saskatchewan recognizes the "right of everyone to the enjoyment of the highest attainable standard of physical and mental health" as described in Article 12 of the covenant. As well, the Province recognizes the "right of everyone to social security, including social insurance" under Article 9 of the Covenant.

Articles 9 and 12 cover similar government legislation and programs. Saskatchewan has already submitted a report on Article 9, providing a detailed description of the Saskatchewan health care system³. However, a short summary on Article 9 is included in the next two paragraphs.

The Saskatchewan health care system is based on universal coverage for hospital and medical care services irrespective of age or physical conditions existing prior to becoming beneficiaries. Hospital care insurance has been available in Saskatchewan since 1947, and medical care insurance since 1961.

3. See Report of Canada on Articles 6 to 9 of the International Covenant on Economic, Social and Cultural Rights, pages 361 to 369 (pages 313 to 319 of document E/1978/8/Add.32).

Other health plan benefits to Saskatchewan residents include:

- prescription drugs of assured quality for a prescription charge of no more than \$2.80,
- audiological assessment at no charge and hearing aids of high quality at cost price,
- prosthetic and orthotic devices at no cost and aids to daily living (e.g., wheelchairs) on a loan basis,
- dental care services for children at no charge, and
- treatment for cancer at no cost to the patient.

With respect to Article 12, the following Saskatchewan legislation promotes and safeguards physical and mental health:

The Public Health Act, R.S.S. 1978, C. P-37;

The Venereal Disease Prevention Act, R.S.S. 1978, C. V-4;

The Mental Health Act, R.S.S. 1978, C. M-13;

The Health Services Act, R.S.S. 1978, C. H-1;

The Community Health Unit Act, S.S. 1979, C. C-19.1;

The Mentally Disordered Persons Act, R.S.S. 1978, C. M-14; and

The Administration of Estates Act, R.S.S. 1978, C. A-5.

With respect to Article 12 (2(b)), the following legislation promotes specifically the improvement of all aspects of environmental and industrial hygiene:

The Public Health Act;

The Department of the Environment Act, R.S.S. 1978, C. D-14;

The Air Pollution Control Act, R.S.S. 1978, C. A-17;

The Water Rights Act, R.S.S. 1978, C. W-8;

The Ground Water Conservation Act, R.S.S. 1978, C. G-8;

The Water Resources Management Act, R.S.S. 1978, C. W-7; and

The Litter Control Act, R.S.S. 1978, C. L-22.

A general outline of these pieces of legislation, and relevant government programs are described below. In addition, specific subject areas are addressed in sections B. 1-5 of this report.

Health

Saskatchewan Assistance Plan

The Saskatchewan Assistance Plan does not offer physical or mental health services per se, but the program does contain provisions to nominate individuals or families on assistance for supplementary health services which are provided by Saskatchewan Health. Under the Saskatchewan Assistance Plan, there is also a provision to grant an allowance for personal or supervisory care which a recipient may require in conjunction with their board and room requirements. Such special care may be associated with either physical or mental health problems and may be provided in a family home or in an institution.

In addition to the programs of Saskatchewan Health, certain matters also fall under the Saskatchewan Attorney General.

The Mentally Disordered Persons Act has been in effect since approximately 1909 and allows for the court appointment of a committee to take care of the estate of a person judged to be mentally incompetent. It has been held that where appointing a committee, the greatest caution must be used by the court to protect the person whose status and property are being dealt with. Re Lunacy Act; re Cochran (1964) 47 W.W.R. 669. Where a person is committed under this Act he/she is entitled to care and maintenance in an institution at the expense of the Province. Generally persons can be admitted to institutions at their own request, at the request of a relative, or on the recommendation of a doctor.

Under The Administration of Estates Act, which has been in force since approximately 1909, a provincially appointed official has control over the estate of a mentally incompetent person and has the responsibility of adequately dealing with such estate. The estate can be charged with the responsibility of maintaining a mentally incompetent's dependants as well as paying for his own bills where that is possible.

Environment

In addition to the services of Saskatchewan Health, and Saskatchewan Attorney General, there are environmental programs administered by Saskatchewan Environment.

The objective of Saskatchewan Environment is to protect, preserve and enhance the environment of Saskatchewan for the benefit of all citizens regardless of race, colour, religion or country of origin.

Environmental quality in Saskatchewan is generally satisfactory. This is due in part to low participation and minimal industry in a vast area. In spite of this there are some localized situations where air quality in the two major cities is affected to a

degree by automobile emission. Water quality downstream of Regina in the Qu'Appelle Lakes is affected by eutrophication. This phenomenon is not unique to the province but the lake system constitutes the most pressing water quality problem.

The programs to manage the provincial environment are administered by the branches of the Water Management Service, Environmental Protection Service, Environment Assessment Secretariat (formerly Environmental Impact Assessment Branch) and the Policy, Planning and Research branch.

The legislative base for the Department's programs consists of acts and regulations dealing with air pollution control, water pollution control, water rights, water conservation, water management and litter control.

Pollution control is exercised by a system of approvals governing the discharge or release of contaminants. The efficacy of this action is determined by environmental monitoring systems.

Since 1976 the approach has been modified by the introduction of an environmental impact assessment process. This requires a project proponent, both government and private sector, to justify on environmental and socio-economic grounds, why an undertaking should be allowed to proceed. This process can range from relatively elementary overviews to full scale impact assessment and statement followed by boards of inquiry. The assessment process does not supplant the regulatory control program but by preceding the regulatory process it augments and facilitates that activity.

Ongoing activities will result in policies and legislation being developed to provide the base for programs to protect environmental interests in such areas as land use, unique ecosystems, flooding and drainage, hazardous substances (management and spill control).

B. (1) and (2) Health Protection for Children

In 1979, Saskatchewan Health initiated a complete review of child and youth services in the province. This study is seeking to define the range of health needs for children and youth (0-19), who account for 36 per cent of Saskatchewan's population, and to determine the extent to which existing services meet those needs. Another objective relates to considering what responsibility children, youth and families should accept for their own health, and the responsibility the state and other social institutions should accept. As a final goal the study will identify policy and program improvements relating to child and youth services, on both a short- and long-term basis, and make recommendations as necessary to effect improvements.

This study is examining many areas which are of concern under this Article of the Covenant including measures to reduce the

stillbirth-rate and infant mortality, measures taken for the healthy development of children, vaccination programs and accidents. Available utilization data for each health program are being analyzed by health region to provide information on the provision and adequacy of services in both urban and rural areas.

In general, the following services are available for children and youth in Saskatchewan:

Community Health Services

1. Public health nurses provide a variety of preventative services on a regularly scheduled basis including
 - (a) Prenatal classes for expectant parents.
 - (b) Home visits in the postnatal period to assist families and appraise the well being of infants.
 - (c) Child health conferences to provide regular health supervision of infants and preschool children. Services include: health appraisal; screening to assist in the detection of any deviation in normal growth and development (physical development, vision, hearing and scoliosis); active immunization against specific communicable diseases; and anticipatory guidance.
 - (d) Services for school-age children including teacher-nurse conferences to discuss student well-being; student health counselling; screening re: basic inspection, scoliosis, vision and hearing; immunizations; and home visits to arrange for follow-up care or referral to other specialized personnel.
 - (e) Investigation and surveillance of suspected communicable disease, including venereal disease, and instruction regarding control measures, assisted by public health inspectors.
2. Public health inspectors conduct investigations of commercial and public community facilities to ensure that regulations regarding maintenance of a healthy and sanitary environment for all persons are being met.
3. Speech therapists provide speech and language assessments on referral for children with communication impairments.
4. Nutritionists promote good nutritional practices through the media, teachers' workshops, group discussions and lectures, and involvement in prenatal classes.
5. Early childhood psychologists focus attention on services for preschool children for early identification of possible deviations in growth and development.

6. Audiologists provide a complete hearing service including audiological evaluations, selection and fitting of hearing aids, and follow-up.
7. Prostheses, orthoses, mobility equipment, environmental equipment, and respiratory equipment are available for the handicapped through a special program with follow-up visits by public health nurses.

Psychiatric Services

Services are provided by multi-disciplinary professional teams in each mental health region to children and youth. The core teams consist of from three to five persons primarily psychologists, social workers, and community mental health nurses. In addition, teams in the two major referral centres include experts in the area of education, occupational therapy, psychiatry, speech and hearing.

Services are provided to:

- enhance the mental health of both the child and his/her family;
- prevent handicapping through early detection and structured intervention;
- remediate the impact of emotional and mental disorder through treatment and family support; and
- where necessary provide the least restrictive residential alternative in conjunction with other service providers.

Hospitals

Ninety-three per cent of the province's general hospitals have designated pediatric beds. There are a total of 1063 pediatric beds in Saskatchewan hospitals. Five hundred and seventy-one of these beds are located in 17 hospitals, with the remaining beds distributed in 107 smaller hospitals.⁴

Ninety-eight per cent of the province's general hospitals contain nursery units. There are a total of 974 bassinets set up in Saskatchewan hospitals. Three hundred and ninety-five of these bassinets are located in 12 hospitals, with the remaining distributed throughout 118 smaller hospitals.⁵

4. In 1979, the 19 and under population in Saskatchewan totalled 347,033.

5. In 1978, there were 16,555 live births in Saskatchewan.

There are two hospitals in the province which have specifically designated beds for rehabilitation of children and youth.

Dental Care

All services of the Saskatchewan Dental Plan are directed to children. At September, 1979, all children born in the years 1966 to 1974 were eligible for enrollment. All enrolled children are examined at least once a year to record in detail their dental health status. Comprehensive dental care includes preventative, diagnostic and restorative services. Orthodontic care and certain expensive restorative services are excluded from the Plan. Services are provided by dental nurses and certified dental assistants working in teams under the supervision of a dentist. For the majority of age groups the percentage enrolled is over eighty per cent of eligible children.

Medical Services, Prescription Drugs, Cancer Care and Treatment for Alcohol and Drug Dependencies

All of the above services are available to children and youth on the same basis as for the adult population.

(3) Environmental and Industrial Hygiene

In health related areas measures taken to improve all aspects of environmental health are the responsibility of the Community Health Services Branch of Saskatchewan Health. Legislative authority is provided under Part III of The Public Health Act for sanitation matters including: waterworks, sewage, and sewage disposal; nuisances; expropriation of land; food, and miscellaneous. Sanitary officers (public health inspectors) in possession of a certificate of competency issued by the Canadian Public Health Association are responsible for enforcing compliance with established regulations.

Public health inspectors work toward the improvement of public health and the environment through education, consultation, persuasion and, where necessary, the enforcement of health legislation. Public health inspection personnel provide interpretation of regulations and inspection of related services regarding apartment blocks, bakeshops, barbershops, hotels and motels, milk and certain milk products, plumbing and drainage, public eating establishments, sanitation, waste management, etc.

Inspection and consultative services are also provided to other agencies. These services include municipal water and sewage works, schools, hospitals, intensive livestock operations, air monitoring, day-care centres, nursing and approved homes.

In 1978-79 a total of 87,171 inspection services were conducted in Saskatchewan health regions. Areas of inspection related to: water (10,222), wastes (9,388), food (22,052) and general issues (45,509). This included 34,043 total inspections and 53,128

other related activities (investigations, consultations, community health education). In addition, 1,915 meetings were attended and 25,602 office activities (information requests and consultations) conducted. Statistics do not include services provided by public health inspectors in the cities of Regina and Saskatoon and by the Department of Northern Saskatchewan.

Effective July 1, 1979 a new Health Protection Division was created in the Community Health Services Branch reflecting the fact that Saskatchewan Health is becoming increasingly involved in matters of health hazards arising from environmental conditions. This Division includes public health inspection services.

(4) Disease Control

A definition and regulations regarding the control of communicable diseases are contained in Section 2 and Part IV of The Public Health Act. Guidelines are established regarding control; emergency provisions; epidemics; vaccination against smallpox; and schools. Public health nurses administer vaccinations according to established standards for infants (D.P.T. and oral polio), preschool children (D.P.T., oral polio, measles virus-rubella), school children (D.T., oral polio, rubella) and adults (oral polio and others). Smallpox vaccinations are also administered to all groups when required for international travel.

Regulations regarding the control of venereal disease are contained in The Venereal Disease Prevention Act. Legislation deals with duties of patient; duties of physician; prohibitions; powers and duties of health officers; secrecy; and certain publications prohibited. Public health nurses engage in contact tracing.

Statistical data regarding communicable and venereal diseases are given in section C below.

(5) Health Services

A regional organization of services is employed in Saskatchewan to ensure that all age groups and all other categories of the population, including in particular rural areas, have access to adequate health services including adequate medical attention in the event of sickness or accident.

Public health services are organized through a network of ten health regions in the southern part of the province. The legislative authority for this pattern is contained in the The Health Services Act. Each region employs a variety of health personnel including: public health nurses, public health inspectors, speech therapists, nutritionists, early childhood psychologists and health educators. Public health nurses and inspectors are located at a number of centres throughout each region, while other staff are primarily located at the regional headquarters.

The northern portion of the province, Regina and Saskatoon form separate administrative areas which employ similar personnel.

The service delivery system for mental health services is organized on the basis of eight regions. Staff of a variety of disciplines including psychologists, psychiatrists, community mental health nurses, social workers, psychiatric nurses, adjunctive, speech and other types of therapists, are assigned to each region and render a full range of community based services to the population within each geographical area. The regions are now largely self-sufficient in dealing with their own community mental health needs. Outpatient services are available at 11 full-time clinics and 57 regularly scheduled part-time mental health clinics throughout the province. Three part-time clinics are also regularly scheduled in Northern Saskatchewan. A psychiatric centre or a psychiatric unit attached to a general hospital is established in each mental health region to provide a range of inpatient services as well as day and overnight care for clients as required.

Children's dental care services are provided through six regions in Southern Saskatchewan, based on school division boundaries. Services in each region are provided through dental clinics established in schools. Dental nurses and certified dental assistants provide services under the supervision of a dentist. Dental clinics are established in approximately 300 centres throughout the province to provide services on a regular basis.

Hospital services are provided in 126 centres of the Province. Medical services are also available in these centres. Hospital services are divided amongst five Saskatchewan health-care association regions. General hospitals in Saskatchewan are defined according to the types and level of services each is qualified to provide.

Base hospitals are located in the two largest centers. They serve as community hospitals for the population of their immediate areas and provide comprehensive hospital services, act as major referral centres for the province and perform a major role in research and education of health personnel.

Regional hospitals provide basic care to residents of their immediate vicinities. They also provide a wider range of services than district or community hospitals, act as referral centres for people outside their immediate vicinity and assume a limited role in the education of health personnel.

District or community hospitals are usually smaller hospitals at which residents of a local area receive basic hospital services. They are located in 110 centres of the Province.

Although the regional boundaries for each of these services are different the principle is the same, the provision of services to all parts of the province.

(6) Financing Health Services

Saskatchewan Health Services Expenditures 1976-77 and 1977-78,
by the Department of Health, Health Commissions and the
Department of Government Services

Program	Total expenditure		Percentage distribution
	1976-77	1977-78	1977-78
Total	\$350,141,534	\$388,642,031	100.0
A. Ordinary Expenditures	349,308,094	386,626,466	99.5
Primarily Diagnostic and Curative:			
Saskatchewan Hospital Services Plan ¹	205,569,871	224,917,997	57.9
Saskatchewan Medical Care Insurance Commission	69,484,971	74,007,089	19.0
Saskatchewan Prescription Drug Plan	16,509,099	18,509,499	4.8
Psychiatric Services ²	12,948,079	13,423,704	3.4
Saskatchewan Cancer Commission	4,536,225	5,200,108	1.3
Health Services (Medical Services for Social Service Clients)	2,383,893	2,397,019	0.6
Saskatchewan Dental Plan ³	4,515,693	5,732,630	1.5
Provincial Laboratories	1,480,081	1,662,044	0.4
Hospital Grants and Debt Retirement ⁴	15,842,612	22,087,116	5.7
Saskatchewan Hearing Aid Plan	802,128	1,035,581	0.3
	334,072,652	368,972,787	94.9
Primarily Preventive and Health Education:			
Regional Health Services Branch ⁵	5,641,595	6,407,547	1.7
Other Preventive Services ⁶	2,058,381	2,139,110	0.5
	7,699,976	8,546,657	2.2
Primarily Rehabilitation:			
Assistance to Home Care	1,488,264	1,511,844	0.4
Grants to Alcoholism Commission of Saskatchewan	2,189,660	2,691,330	0.7
Saskatchewan Aids to Independent Living	1,075,118	1,574,505	0.4
	4,753,042	5,777,679	1.5
All Other Health Services and Administration	2,782,424	3,329,343	0.9
B. Capital - Department of Government Services	833,440	2,015,565	0.5

1. For all the footnotes, see next page.

1. Includes Parkland and Palliser Hospitals. \$1,543,886 and \$1,324,544 respectively for 1976-77. Both were transferred to a regional board effective April 1, 1977. This figure also includes psychiatric salaries for hospital based psychiatric facilities of \$3,157,863 in 1976-77 and \$3,428,602 in 1977-78.
2. This figure excludes psychiatric salaries for hospital based psychiatric facilities which are included with the Saskatchewan Hospital Services Plan of \$3,157,863 in 1976-77 and \$3,428,602 in 1977-78.
3. Includes a significant preventive component.
4. Includes construction grants to hospitals and health centres, grants to hospitals under The Hospital Revenue Act, grants to University Hospital, and Regina Hospital Regeneration Program.
5. Includes sharing from municipalities for 1976-77 of \$312,887 and for 1977-78 of \$311,900, excludes \$33,153 for family planning in 1977-78 which is included under "Other Preventive Services".
6. Includes programs under \$1,000,000 per program.

Note: Effective April 1, 1978, federal contributions to health services in Saskatchewan are financed by the Federal-Provincial Fiscal Arrangements and Established Programs Financing Act, 1977. There is no longer a direct relationship between the expenditure of provincial funds and the allocation of federal funds to Saskatchewan.

C. Statistical Information

Infant Mortality

Data indicate that there were a total of 229 infant deaths in Saskatchewan in 1976 for a rate of 14.3 per 1,000 live births. This was a decrease from 272 in 1975 (17.8 per 1,000 live births).

Of the 1976 infant deaths, 32.3 per cent occurred during the first day of life and nearly one-half before the fourth day. Over 60 per cent occurred by the end of the first month. The male infant mortality rate was 16.7 per 1,000 male live births and the female rate was 11.9 per 1,000 female live births. There was some variation in the rates when examined for rural-urban differences:

cities	13.3 per 1,000 live births,
towns (over 1,000)	13.5 per 1,000 live births,
and rural	15.8 per 1,000 live births.

Of the 1976 total of infant deaths, 185 or 80.8 per cent occurred in hospitals, ranging from 88.0 per cent in cities to 74.0 per cent in rural areas. The major causes of infant deaths were:

congenital anomalies	(49 deaths or 21.4 per cent),
immaturity	(39 deaths or 17.0 per cent),
anoxia and hypoxia	(36 deaths or 15.7 per cent),
and influenza and pneumonia	(22 deaths or 9.6 per cent).

Stillbirths

Data indicate that there were a total of 151 stillbirths in Saskatchewan in 1976 for a rate of 9.5 per 1,000 live births. This was an increase from 137 stillbirths in 1975 (9.0 per 1,000 live births). In 1976, stillbirths occurred most frequently in the gestation period 33-40 weeks. Males accounted for 53.0 per cent of the total. There was some variation in the number of stillbirths when examined for rural/urban differences:

cities	60,
towns (over 1,000)	15,
rural	76.

Health Services for Children and Youth, 1978-79

Discipline	Service	Number
Public Health Nurses*	<u>Prenatal and Postnatal</u>	
	Prenatal classes	20,034 expectant parents attended 1,671 group discussions (5,304 first contacts)
	Prenatal home visits	6,058 (2,870 first contacts)
	Postnatal home visits	13,043
	<u>Infants and Preschoolers</u>	
	Home visits - infants	10,762
	- preschool	10,254
	Child health conference attendance - infants	35,207 (12,644 first contacts)
	- preschool	41,602 (22,154 first contacts)
	Immunizations - infants	50,270
	- preschool	45,968
	<u>School Children</u>	
	Teacher-nurse conferences	10,868 conferences
	Student health counselling and health supervision	57,283 students
Nutritionists*	Screening - basic inspection	57,283
	- auditory	10,699
	- scoliosis	10,112
Psychiatric Services	Immunizations	56,516
Dental Services		64 services with 2,935 attendances
	Outpatient services	2,927 children seen (22,998 contacts with children and their families)
		107,000 children enrolled (82.3% of eligible)

* Statistics do not include data for Regina, Saskatoon, and the Department of Northern Saskatchewan.

Communicable Diseases

In Saskatchewan in 1978 there were 2,660 cases of selected notifiable diseases which resulted in 64 deaths. Eight major diseases accounted for 88.2 per cent of the total and included:

Streptococcal infections	654	69.1/100,000
Gastro-enteritis	613	64.7/100,000
Salmonella	262	27.7/100,000
Hepatitis infectious	216	22.8/100,000
Rubella	183	19.3/100,000
Rubeola	151	15.9/100,000
Influenza	144	15.2/100,000
Tuberculosis	122	12.9/100,000

The 64 deaths were the result of: influenza (36), tuberculosis (9), gastro-enteritis (8), streptococcal infections (3), encephalitis (2), food poisoning (2), meningococcal meningitis (2), salmonella (1) and hepatitis (1).

Venereal Disease

In Saskatchewan in 1978 there were 3,095 reported cases of venereal disease for a rate of 326.8 per 100,000. This number included 3,050 cases of gonorrhoea (322.0/100,000) and 45 cases of syphilis (4.8/100,000). There was a fourteen per cent decrease in notified cases of gonorrhoea from 1977, and the lowest number of cases in a single year since 1971. Cases of infectious syphilis remained about the same with 20 cases reported.

Contact tracing was actively pursued with a case ratio of 1.4 : 1. Contact tracing resulted in 70 per cent of those notified being located. Of those located 60 per cent were found to be infected.

Accidents

In Saskatchewan in 1978 there were 557 fatal accidents. Of this total, 84 related to persons under 15 years of age. Statistics by type of accident reveal the following:

Motor vehicle traffic	264 (29) ¹
Falls	74 (5)
Fires and explosions	41 (13)
Drownings	39 (16)
Suffocation	27 (6)
Poisoning by solids and liquid substances	18 (2)
Railway	13 (3)
Aircraft	9 (-)
Poisoning by gases and vapors	9 (-)
Motor-vehicle non-traffic	4 (2)
Other	59 (8)

1. Numbers in parentheses were fatalities occurring to persons under 15 years of age and are included in the total.

In addition, in 1978-79 there were 16,427 hospitalized accident cases (1,692.6/100,000) resulting in 127,544 patient days. Of the total hospitalized cases, 4,132 related to persons under 15 years of age. A breakdown of these statistics by type of accident reveals that following:

Falls	5,203 (1,320) ¹
Motor vehicle traffic	2,122 (263)
Poisonings	1,027 (523)
Other road vehicle	482 (291)
From natural and environmental factors	410 (132)
Motor-vehicle non-traffic	342 (78)
Motorcycle	222 (40)
From fire and flames	177 (73)
Aircraft	13 (1)
Water transport	12 (1)
Railway	4 (1)
Other	6,413 (1,409)

1. Numbers in parentheses were hospitalized accident cases of persons under 15 years of age and are included in the total.

Physicians

In 1977 there were 1,342 physicians registered with the College of Physicians and Surgeons of Saskatchewan. This resulted in a personnel-to-population ratio of 1:751 for the province as a whole (excluding out-of-province personnel). A breakdown of these figures by health region is shown in the following table.

Geographic location by health region	Number of personnel	Population	Personnel-to-population ratio
Total	1,342	961,526	1: 751
#1 - Swift Current	40	49,589	1:1,240
#2 - Moose Jaw - Assiniboia-Gravelbourg	85	69,769	1: 821
#3 - Weyburn - Estevan	43	52,217	1:1,214
#5 - Regina Rural	41	71,247	1:1,738
#7 - Rosetown - Biggar	30	42,237	1:1,408
#8 - Saskatoon Rural	13	43,959	1:3,381
#10- Yorkton - Melville	66	84,627	1:1,282
#11- Melfort - Tisdale	56	74,886	1:1,337
#12- Prince Albert	82	75,857	1: 925
#13- North Battleford	87	73,680	1: 847
Regina City	326	157,059	1: 482
Saskatoon City	393	138,376	1: 352
Department of Northern Saskatchewan	18	28,023	1:1,557
Out-of-province	62	-	-

The number of physicians registered and resident in Saskatchewan rose from 1,209 at the end of 1976 to 1,280 at the end of 1977. The majority of physicians registering in the province still prefer to locate in the larger urban centres, with 64.5 per cent of new 1977 registrants locating in a centre of over 10,000 population. However, at the end of 1977 there were 347 general practitioners in communities of under 10,000 population, compared to 322 in the previous year.

Shortages continue to occur from time to time in a limited number of specialty areas (notably anaesthesia) and in some subspecialties. Such shortages are rectified by the acquisition of small numbers of physicians and are difficult to predict.

The retention rate of Saskatchewan graduates for intern and residency training and for actual practice has been improving in recent years. Of the 64 students who graduate from the Saskatchewan's College of Medicine in 1977, 34 (53.1%) took intern or residency training in the province. At the end of 1972, there were 127 Saskatchewan-trained physicians practising in the province. By the end of 1977, this number had increased by 68.5 per cent, to 214.

Hospitals

In 1979 there were 133 general hospitals in Saskatchewan with a total rated bed capacity of 6,795. This gives 7.3 beds per 1000 population in Saskatchewan compared to Canadian average of 5.2. There is a large variation in the size of these facilities. A breakdown is shown in the following table:

Number of hospitals	Rated bed capacity
9	200+
14	51-199
110	50 and under

In addition there are seven rehabilitation and extended care hospitals in Saskatchewan with a rated bed capacity of 1,007 and a bed-to-population ratio of 1.1 per 1,000 people.

10. NEWFOUNDLAND¹

INTRODUCTION

This chapter deals with the legislation and official policy of the Province of Newfoundland which is considered relevant to the implementation of the provisions of Articles 10, 11 and 12 of the International Covenant on Economic, Social and Cultural Rights.

For the most part Newfoundland legislation is in harmony with the Covenant. However, the Government of Newfoundland is continuing to review all legislation within the competence of the Legislature to ensure that it is in compliance with the International Covenant on Economic, Social and Cultural Rights.

The importance the Government of Newfoundland places on the Covenant is best reflected in a paragraph of the Preamble to The Newfoundland Human Rights Code, Chapter 262, Revised Statutes of Newfoundland, 1970, which states:

"This Legislature, believing implicitly in the Universal Declaration of Human Rights as proclaimed by the United Nations, desires to reaffirm its faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and has determined to promote social progress and better standards of life in larger freedom."

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

1. In the Province of Newfoundland the family unit has long been regarded as a basic fibre of our society. Traditionally, and through common acceptance among residents of the Province, protection and assistance has been accorded to the family. The Legislature of the Province being desirous of entrenching the freedoms and privileges of the family unit in statutes has enacted legislation to this effect.

Section 3 of The Unified Family Court Act, Chapter 88, Statutes of Newfoundland, 1977, which states:

"The purpose of this Act is to establish as a pilot project a special court with comprehensive unified jurisdiction over family matters that has in addition to its adjudicative role, a preventative or therapeutic function involving the constructive task of maintaining the family unit as an entity in cases where this is possible, or where this cannot be done, of providing humane and constructive solutions.",

1 Report prepared by the Government of Newfoundland and Labrador.

may best describe the importance attached to the preservation of the family unit in the Province of Newfoundland.

The Solemnization of Marriage Act, Chapter 81, Statutes of Newfoundland, 1974, contains provisions to ensure that marriage can only be entered into with the free consent of the intending spouses.

Section 12-(1) of The Solemnization of Marriage Act provides:

"A clergyman or a marriage commissioner shall not solemnize a marriage unless he has, not less than four days before such solemnization, received a licence in respect of the parties to the intended marriage, except upon the production of evidence satisfactory to him that there exist exceptional and urgent circumstances sufficient in his discretion to justify the earlier solemnization of the marriage."

Section 15-(1) requires that "Every person applying for a licence shall make an affidavit containing:

- (b) a statement that the person making the affidavit believes there is no affinity, consanguinity, prior marriage, or other lawful cause or legal impediment to bar or hinder the solemnization of the marriage;
- (c) a statement of the age of the person making the affidavit and that such person is a party to the intended marriage;"

Section 3 of The Matrimonial Property Act provides:

"The purpose of the Act is to reform the law with respect to matrimonial property in order to

- (a) recognize the contribution made by each spouse to a marriage;
- (b) give a one-half interest in the matrimonial home to each spouse;
- (c) provide for the deferred sharing of most other property acquired during the marriage; and
- (d) provide for judicial discretion in sharing business assets built up by a spouse during a marriage.

2. The Labour Standards Act, Chapter 52, Statutes of Newfoundland, 1977, provides special protection to working mothers before and after childbirth.

The Act states that every female employee who, having been

employed under a contract of service with the same employer for a continuous twelve month period immediately preceding the estimated date of birth, provides the employer with a certificate of a medical practitioner:

- (a) certifying that she is pregnant, and
- (b) specifying the estimated date of birth,

shall, subject to this Part, be granted maternity leave for the periods set out in subsection (2), without any obligation on the part of the employer to pay for that maternity leave.

The Act further states that the periods referred to in subsection (1) are as follows:

- (a) a period, not exceeding eleven weeks, preceding the estimated date of birth;
- (b) any period between the estimated date of birth and the the actual date of birth of the child of the employee; and
- (c) a period of six weeks immediately following the actual date of birth of the child of the employee.

Further protection is accorded to working mothers by The Labour Standards Act in that provisions of the Act state that upon the termination of maternity leave of an employee, the terms of the contract of service subsisting at the time maternity leave began shall be so resumed that the wages, duties, benefits and position of the employee are not less beneficial than those that subsisted before the maternity leave began.

The Act provides additional protection in that it states that an employer shall not dismiss an employee or give notice of dismissal because of absence by reason of maternity leave. If an employee is dismissed within the period permitted for maternity leave, the onus of proving that the reason for dismissal is for another reason rests with the employer.

Unemployment insurance benefits to compensate for lost wages during maternity leave are available under a program sponsored by the Government of Canada.

Pre-natal, delivery and post-natal medical care are accorded to working mothers through a Medical Care Plan provided for by the Government of Newfoundland.

3. The Labour Standards Act, Chapter 52, Statutes of Newfoundland, 1977, states that "child" means a person under sixteen years of age and that no employer shall employ a child to

do any work that is or is likely to be prejudicial to the child's attendance at school or to the child's capacity to benefit from instruction given at school.

The Act further states that no employer shall employ a child to work:

1. for more than eight hours a day;
2. for more than three hours on a school day;
3. on a day for a period that, when added to the time required for attendance at school, totals more than eight hours;
4. between the hours of ten o'clock in the evening and seven o'clock in the morning of the following day;
5. in circumstances that would prevent the child from obtaining a rest period of less than twelve hours per day; and
6. in such occupations as are prescribed as hazardous.

No employer may employ a child who is under fourteen years of age within prescribed undertakings or employ a child while a strike by employees or a lockout of employees by the employer is in progress.

The Labour Standards Act requires an employer to obtain the written consent of the parent or guardian of the child before entering upon a contract of service with the child. The written consent must specify the age of the child and must be kept as part of the record of employment of the child. If the employer fails to comply with this provision he is guilty of an offence and liable on summary conviction to a fine of not less than one hundred dollars or more than five hundred dollars or to imprisonment for a term not exceeding one month, or to both that fine and imprisonment.

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

1. In recognition of the right of everyone to an adequate standard of living, including adequate food, clothing and shelter for himself and his family, the Government of Newfoundland has implemented continuing programs in an effort to ensure the realization of this right.

The Department of Rural Development Act, Chapter 38, Statutes of Newfoundland, 1973, enshrines the desire of the Government of Newfoundland to encourage general development in rural areas of the province and provides for the dissemination of information and advice to rural areas to facilitate such development.

Section 7 of The Department of Rural Development Act provides:

"The powers, functions and duties of the Minister extend to and include

- (a) the supervision, control and direction (without duplicating or controlling the functions of other departments and agencies of the Government) of all matters relating to
 - (i) the encouragement generally of development in rural areas of the province, including, without limitation of the generality of the foregoing, the determination of the economic viability of projects proposed at the rural level and a continuous evaluation of the operations of the Department in the carrying out of the provisions of this act,
 - (ii) the provision of information and advice to rural areas in the province with regard to incentives, loan facilities, programmes and other benefits which are available to such areas both federally and provincially and the rendering of assistance for the purpose of obtaining such benefits,
 - (iii) the provision of information and advice with respect to local or regional planning in rural areas,
 - (iv) the promotion and guidance of rural development and regional planning groups and associations,
 - (v) the centralization of the population of the province, including, without limitation of the generality of the foregoing, counselling and guidance before and after relocation,
 - (vi) the promotion and guidance of small industries and enterprises in rural areas and in the home,
 - (vii) the encouragement generally of cooperation and cooperative development, and
 - (viii) notwithstanding the provisions of The Crown Guarantee and Loan Act, 1973, but subject to the approval of the Lieutenant-Governor in Council and to such terms and conditions, if any, as the Lieutenant-Governor in Council may prescribe, financial assistance, by way of grant, loan or otherwise howsoever, to associations, groups, corporations, firms or other bodies or persons engaged in, or about to engage in, small industries and enterprises in rural areas or in the home,

which are not, or in so far as they are not, by law or by order of the Lieutenant-Governor in Council, assigned to any other minister or department of the Government.

(b) such cooperation with

- (i) the Government of Canada or any department, agency or body under the jurisdiction of the Parliament of Canada,
- (ii) the Government of any province in Canada or any department, agency or body under the jurisdiction of the Legislature of any such province, or
- (iii) any development corporation or other corporation or other body or person

as may be necessary or desirable for carrying out any of the purposes of the Act."

The Labour Standards Act, Chapter 52, Statutes of Newfoundland, 1977, provides for the establishment of a Minimum Wage Board which may, when it deems it expedient to do so, and shall upon the direction of the Minister of Labour and Manpower, cause an investigation to be made into the terms and conditions of employment of employees in one or more undertakings carried on within any area of the province.

Following an investigation the Board may make such recommendations as it deems necessary including recommendations respecting:

- (a) the undertakings and the areas to which minimum wages should be applied;
- (b) the classifications of employees to whom minimum wages are to be applied;
- (c) the minimum rates of wages for different undertakings or areas prescribed under paragraph (a) and for any classification prescribed under paragraph (b);
- (d) different minimum rates of wages based on commission, piece work or work measured in any manner, whether on a time basis or not;
- (e) special minimum rates of wages for any or all apprentices, domestic employees and inexperienced or handicapped employees;
- (f) the maximum amount, if any, that may be deducted from a prescribed minimum wage in cases where the employer

furnishes to the employee board, lodging, uniforms, laundry, or other services; and

- (g) the minimum period that should be served by an employee who is called out by the employer to serve under the contract of service on any day or the minimum wages to be paid to such employee in lieu of services that should otherwise be provided by the employee during that day.

The Labour Relations Act, Chapter 191, Revised Statutes of Newfoundland, 1970, in an effort to assist employees attain an adequate standard of living, provides that every employee has the right to be a member of a trade union and to participate in the activities thereof. The Act defines a trade union as a local or provincial organization or association of employees, or a local or provincial branch of a national or international organization or association of employees within the province or a council of trade unions that has as one of its purposes the regulation in the Province of relations between employers and employees through collective bargaining.

The Newfoundland Human Rights Code (Amendment) Act, Chapter 114, Statutes of Newfoundland, 1974, ensures that no trade union shall exclude any person from full membership or expel or suspend or otherwise discriminate against any of its members or discriminate against any person in regard to his employment by any employer, because of

- (a) that person's race, religion, religious creed, sex, marital status, political opinion, colour or ethnic, national or social origin; or
- (b) that person's age, if that person has attained the age of nineteen years and has not attained the age of sixty-five years.

Further, in an effort to ensure an adequate standard of living for a person and his family, the Government of Newfoundland has a policy of financial assistance for persons that are unemployed and are not entitled to unemployment insurance benefits.

In an effort to ensure that an adequate supply of good quality food, clothing and shelter is accorded to residents of the province, the Government of Newfoundland developed programs designed to establish quality control.

The Fish Inspection Act, Chapter 132, Revised Statutes of Newfoundland, 1970, requires and provides for licensing of persons fishing, establishments processing various species, and vehicles for transporting fish. The Act also provides for inspectors to inspect, grade and mark fish for quality. The Act further provides for disposal of spoiled fish.

Regulations established under the The Fish Inspection Act require and provide for inspection of all fish, and sets standards for handling, processing and grading. The regulations also provide for the sanitary conditions for workers and establishments. Regulations further specify requirements to types of construction materials and treatment of floors, drains, surface of walls and ceilings; ventilation, illumination, sanitation of water supplies and washrooms, hot water systems, disinfection of hand coverings, clothing and filleting boards, non-corrodible materials for tables, frames, boxes, containers, conveyer belts and flumes; freezing and cold storage adequacy devices for processing shellfish, canneries and machinery for canning.

The Poultry and Poultry Products Act, Chapter 302, Revised Statutes of Newfoundland, 1970, provides for the control and regulation in any or all respects of the production, transporting, shipping, packing, storage and marketing of poultry and poultry products within Newfoundland.

The Livestock (Health) Act, Chapter 212, Revised Statutes of Newfoundland, 1970, provides for the establishment of regulations prescribing measures to be taken and observed with a view to establishing a healthy and vigorous stock of animals and protecting them from the introduction or spread of infections or contagious animal diseases.

In addition to The Farm Development Loan Act, Chapter 125, Revised Statutes of Newfoundland, 1970, which, in accordance with the regulations, provides financial assistance for the purpose of improving and developing the agriculture industry of Newfoundland, there are programs designed to increase the availability of agricultural lands and to provide expert advice and building plans for agricultural structures.

The Newfoundland and Labrador Housing Corporation is responsible for a diversity of housing programmes pertaining to residential development; management, planning and implementation throughout Newfoundland and Labrador. The Corporation reports to the Government of Newfoundland through the Minister of Municipal Affairs and Housing.

Programs presently administered by the Corporation:

(1) Rural and Remote

Provides mortgage financing for low income people to build or purchase their own homes. This is a federal/provincial (75%/25%) cost shared program available to most communities with a population of 2,500 or less.

(2) Provincial Home Ownership Assistance Program

The provincial government, through the Corporation, provides grants up to a maximum of \$1,500.00 to assist individuals in

building or buying their first house. The program applies to new constructions only, and relates to family income.

(3) Co-operative Housing

The purpose of the program is to provide home ownership through group action. The Corporation is permitted to provide interim financing, to a registered group, based on a commitment from the federal government to provide long term financing.

(4) Subsidized Rental Housing

To provide family accommodation, particularly those in urban areas, who, because of income and other circumstances, cannot obtain adequate housing. Allocations are made on the basis of need, present accommodations, and size of family.

(5) Economic Rental Housing

To provide housing in support of industry, or to meet the needs as they relate to specific employees' accommodations. Economic housing is rented on a full recovery basis.

(6) Rent Supplement Program

To provide rent subsidies to low income senior citizens, so that rental payments do not exceed 25% of their income. Rent subsidies are made available to low income senior citizens living in privately owned rental accommodations approved by the provincial government. The subsidy is cost shared on a 50/50 basis by the federal and provincial governments.

(7) Neighbourhood Improvement Program

The purpose of this program is to improve and conserve older, rundown neighbourhoods and to encourage development of higher quality community environments. Contributions and loans are made available from the federal and provincial governments to municipalities authorized by the Province to undertake projects under the program.

(8) Rural Residential Rehabilitation

This is a federal program with the Corporation involved in the administration aspect of the program.

Financial assistance in the form of grants and loans is provided to owners of older homes in designated rural areas for repairs. The loans have a forgiveness feature related to income. The program is directed to effect repairs which will bring substandard dwellings to a minimum provincial health and safety standard.

In addition, the Corporation administers land assembly programs to ensure an adequate and timely supply of residential lands, as well as lands for industrial use. These programs are financed mainly by both the federal and provincial governments.

2. The Government of Newfoundland firmly believes that it is the fundamental right of everyone to be free from hunger. The Government of Newfoundland is taking measures in the spirit of co-operation to promote this end.

(a) The Province, working in concert with the Government of Canada, undertakes management of fishery resources through allocation of annual quotas of various fishable species to ensure conservation of those species for users in perpetuity. Management of fishery resources also includes direction of the fishing effort to make best use of resources of available commercial species. Programs are also implemented to assist fishermen in the acquirement of appropriate vessels and fishing gear to operate efficiently and earn adequate incomes.

To this end regulations of the Government of Canada respecting the management and allocation of fishery resources on the Atlantic Coast of Canada have been put into effect which apply to commercial fishing, define quotas (limits on quantity) of various species, and limit entry through licensing of fishermen and types of vessels and gear permitted for each species.

Further specifications provide for closed areas, restricted areas, reporting of catches and penalties for contravention of the regulations.

In addition, the Government of Newfoundland is engaged in carrying out programmes on the use of appropriate types of fishing gear to produce fish in good condition for food and on research to develop new types of fishing gear. Training programmes are also provided for fishermen and other persons working in the fishing industry through a College of Fisheries, School of Trades and technology, and the Memorial University of Newfoundland. Other training programmes are brought to fishermen and other persons working in the fishing industry through extension services programmes by the institutions concerned.

Methods of improving and disseminating knowledge regarding fish preservation are propagated by the various educational institutions involved in programs of training for fishermen and other persons working in the fishery industry and by the Marketing Division of the Newfoundland Department of Fisheries.

To facilitate fish distribution the Newfoundland Department of Fisheries operates an information service for the sale of surplus catches to various processing plants. Assistance to fishermen and processors is also provided for marketing salt fish and for supplying ice to fishing vessels, for servicing vessels at marine

service centres and for additional cold storage of fishery products when the need arises.

In view of the nutritional value of fish to the human person fish consumption is promoted through a program entitled "Seafood Days" sponsored by the Marketing Division of the Department of Fisheries. This program develops new fish products and enhances existing ones.

Measures to disseminate knowledge of the nutritive quality of fish are through various media presentations on seafoods and through courses in nutrition taught by the College of Fisheries and the College of Trade and Technology.

At present the Province of Newfoundland has established programs designed to increase efficiency in the area of agriculture. The programs are designed to stimulate an interest in agriculture, develop potential agriculturally viable areas, provide an incentive for Newfoundland students to study the Agriculture Science and to provide assistance for farmers to expand.

Land Development and Engineering

There are regional pastures located in high potential areas throughout the province which are designed to increase cattle and sheep production and to provide training in herd, flock and pasture management procedures. To further increase the availability of agricultural lands the Government of Newfoundland provides specialized agricultural equipment to farmers on a rental basis and provides farm access roads based on need within an agriculturally potential area.

Training programmes in the agricultural field are provided to train farmers and other persons working in farm related areas in the latest advances of agricultural technology and agricultural student aid is available to encourage students to study agricultural sciences.

Financial assistance is available to provide low interest loans and grants to farmers to encourage increased agricultural production and to defray costs of clearing land for agricultural production.

(b) The Government of Newfoundland is participating in distribution of world food supplies by support of the Canadian International Development Agency's programme of supplying salt fish and canned fish products to less developed countries.

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

1. The Government of Newfoundland in recognition of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health has established, through The Medical Act, Chapter 119, Statutes of Newfoundland, 1974, a Newfoundland Medical Association.

The objects of the Association are:

- (a) to promote and advance medical and related arts and sciences in all their branches, to increase the knowledge, skill, standard and proficiency of its members in the practice of medicine, and to maintain the honour and integrity of the medical profession;
- (b) to aid in the furtherance of measures designed to improve health and prevent disease and disability;
- (c) to co-operate with and to assist public and private medical associations, agencies and commissions properly engaged in the task of providing or financing medical and health services of all kinds;
- (d) to promote measures designed to improve standards of hospital and medical services; and
- (e) to improve the welfare and social standards of its members and encourage the co-operation of its members in the protection of their legal and equitable rights.

The Mental Health Act, Chapter 80, Statutes of Newfoundland, 1971, provides for the designation of treatment facilities or parts, or psychiatric divisions of treatment facilities or parts, or classes thereof for purposes relating to the treatment only of persons suffering from mental disorders.

2. (a) In the Province of Newfoundland all pregnant women have access to prenatal clinics which provide medical examination and instructions for expectant mothers. There is free access to hospital beds and specialized care in obstetrics if required. There is free access to postnatal care for both mother and child.

The Public Health Nursing Division of the Department of Health makes periodic visits to ensure new born infants are receiving adequate attention and to advise the mothers in matters relating to proper care and attention.

Well baby clinics are established throughout the province where the infants are examined by a Public Health Nurse and where possible in the presence of a qualified medical practitioner.

All children in the province have free access to medical attention including access to hospital beds and medical specialists if required.

To indicate the progress made in reducing the infant mortality rate the following statistical information is offered which is based on each one thousand births.

1976	the rate was	15.6	per thousand
1971		22.9	
1967		28.6	
1965		31.1	
1963		39.9	
1956		43.4	
1937		123.0	

(b) In an effort to improve all aspects of the environment the Government of Newfoundland has through the Environmental Division of the Department of Consumer Affairs and Environment provided for and established:

1. Water Resources Management Branch which is responsible for:
 - (1) Hydrometric Survey of Newfoundland - Inventory of Water Quantity in Key Drainage Basins.
 - (2) Well Drilling Legislation.
 - (3) Water Quality and Stream Sedimentation as Affected by Land Use Patterns.
 - (4) Assessment of Existing Climatological Station Network.
 - (5) Groundwater Quality as Related to Landfill Operation.
 - (6) Water Yield as Related to Watershed and Climate Variables.
 - (7) Inventory of Well Drilling Data.
 - (8) Inventory of Community Water Supply Data.
 - (9) Legal Designation of Protected Watersheds.
 - (10) Cartographic Services Relative to Watershed Boundaries.
2. Environmental Investigation Branch which is responsible for:
 - (1) Waste Disposal Site Construction for Unincorporated Areas.
 - (2) The Waste Material (Disposal) Act - Control of Unauthorized Disposal of Waste.

- (3) Sewage Treatment Plant Operators Courses.
- (4) Hazardous Material Spills Investigation and Recording.
- (5) Livestock Waste Management.
- (6) General Pollution Complaints.
- (7) Environmental Implications of Proposed Developments on Crown Land.
- (8) Environmental Implications of Federally Financed Work Projects.
- (9) Environmental Requirements of Bulk Fuel Storage Facilities.
- (10) Approval of Small Municipal, Sub-division and Commercial Water and Sewage Systems.

3. Civil/Sanitary Engineering Branch which is responsible for:

- (1) Municipal Water and Sewer Works Approval.
- (2) Regional Solid Waste Management Schemes.
- (3) National Certification Program for Water and Sewage Treatment Plant Operators.
- (4) Highway Construction Projects.

4. Air and Industry Branch which is responsible for:

- (1) Pesticides Advisory Committee to Review Applications for Use and Handling of Pesticides and Herbicides.
- (2) Guidelines for Quarries, Gravel Pits and Open Pit Mining Operations.
- (3) Industrial Works Appraisal as Related to Air and Water Emission Standards.
- (4) Air Quality Monitoring of Industrial Areas.
- (5) Industrial Pollution Abatement Programs.
- (6) Industrial Contingency Plans for Emergencies.
- (7) Mine Abandonment Procedures.
- (8) Fish and Fish Meal Plant Air Emissions and Effluent Discharge Controls.

- (9) Federal-Provincial Task Forces Re Industrial Emission Standards.
- (10) National Air Pollution Surveillance Network - St. John's Monitoring Stations.
- (11) Guidelines for Asphalt Plant Operation.

5. Research and Assessment which is responsible for:

- (1) Environment Assessment Legislation.
- (2) Urban Water Quality Studies.
- (3) Guidelines for Development Construction.
- (4) Co-ordination of Environmental Impact Assessment of Hydroelectric Development and Mining Projects and Major Land Use Proposals.

In an effort to provide the fullest possible protection to the workers of the Province, The Occupational Health and Safety Act, Statutes of Newfoundland, 1978, specifies that every employer shall ensure, so far as it is reasonably practical, the health, safety and welfare of his workers. The employee, as well, while at work, shall take reasonable care to protect his own health and safety and that of his fellow workers and all other persons at or near the workplace.

The Occupational Health and Safety Division of the Department of Labour and Manpower is responsible for investigating the workplace and maintaining health and safety standards.

The Act provides for the establishment of occupational health and safety committees by an employer at every workplace where ten or more workers are employed to monitor the health, safety and welfare of workers employed at the workplace. Where a committee is not required, a worker not connected with the management of the workplace may be designated as the worker health and safety representative to monitor the health and safety and welfare of the workers.

The committee or representative is responsible for identifying unhealthy or unsafe aspects of the workplace, recommending enforcement of the safety and health standards, receiving complaints from workers about the health and safety of the workplace, and establishing and promoting health and safety education programs.

Any person who contravenes any provision of the Act or fails to comply with an order made under the Act or regulations is guilty of an offense and may be subject to a maximum fine of five thousand dollars and/or a maximum term of imprisonment of six months.

(c) The Government of Newfoundland offers free immunization against communicable diseases. At present ninety percent of children have participated in the immunization program prior to registering for enrollment at school. The school health services programme continues the programme in an effort to ensure all children are immunized.

Further, The Communicable Diseases Act, Chapter 52, Revised Statutes of Newfoundland, 1970, provides for the making and publishing of regulations and orders for better achieving the general purposes of the Act, and in particular, without prejudice to the generality of the foregoing, for preventing the arising of communicable diseases and the spread of communicable diseases, for the checking of epidemics, the securing of safe conditions in places to which the public resort and where they might be infected, and for the securing of safe conditions in trades which might readily be the means of communication of infections.

(d) The Newfoundland Medical Care Program ensures that all residents of the province have free access to qualified medical practitioners and to free hospital beds if and when the need arises.

Further, there is a subsidized ambulance transportation service to ensure that all residents have equal access to medical facilities and an emergency air transportation service for seriously ill or injured persons which ensures easy access to the larger medical centres where the need exists.

APPENDIX: STATISTICS AND OTHER DATA

A. Tables

Table 1: Marriage rates

Table 2: Live birth rates

Table 3: Average number of children in families

Table 4: Labour force characteristics of the 15-19 age group

Table 5: Labour force participation of the 15-19 age group, by
 province

Table 6: Percentage distribution of family expenditures

Table 7: Average family food expenditure

Table 8: Per capita food consumption

Table 9: Household characteristics

Table 10: Stillbirth ratios

Table 11: Infant death rates

Table 12: Maternal death rates

Table 13: Doctor to population ratios

Table 14: Operating hospitals and bed capacities

B. Other data

Abstracts from "Human Settlement in Canada" issued under the
authority of the Minister of State for Urban Affairs, May 1976 -
Shelter.

A. TABLES

TABLE 1

MARRIAGE RATES (per 1,000 population)

Year	Canada	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Québec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Yukon	Northwest Territories
1971	8.9	9.0	8.6	8.7	9.7	8.2	9.0	9.2	8.4	9.6	9.3	9.0	7.2
1972	9.2	9.6	9.0	9.2	10.0	8.9	9.2	9.3	8.6	9.9	9.2	9.5	7.1
1973	9.0	9.3	8.8	9.0	9.8	8.5	9.1	9.2	8.6	9.7	9.2	10.3	5.9
1974	8.9	7.9	8.5	8.7	9.2	8.4	9.0	9.1	8.8	9.7	9.1	9.8	6.8
1975	8.7	7.8	7.9	8.6	8.8	8.1	8.8	8.8	8.8	9.9	8.9	9.7	5.8
1976	8.4	7.5	8.2	8.1	8.5	8.1	8.4	8.1	8.2	9.7	8.7	8.8	6.2
1977	8.0	6.9	7.4	7.5	7.7	7.5	8.1	8.0	7.7	9.5	8.6	9.5	6.1
1978	7.9	6.8	7.7	7.8	7.6	7.3	8.0	8.0	7.5	9.4	8.5	8.9	5.0
1979	7.9	6.5	7.3	8.2	7.6	7.4	8.0	7.5	7.6	9.4	8.6	8.4	6.4
1980	8.0	6.5	7.5	8.0	7.5	7.1	8.0	7.6	7.8	10.0	9.0	9.3	6.2

Source: Vital Statistics; Statistics Canada, Ottawa

Table 2

LIVE BIRTH RATES (per 1,000 population)

Year	Canada	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Québec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Yukon	Northwest Territories
1971	16.8	24.5	18.8	18.1	19.2	14.8	16.9	18.2	17.3	18.8	16.0	27.5	37.0
1972	15.9	24.2	17.8	17.0	18.4	13.8	16.0	17.6	16.9	17.7	15.4	23.9	34.4
1973	15.5	22.0	16.4	16.5	17.5	13.8	15.6	17.0	16.3	17.4	14.8	21.3	31.9
1974	15.6	21.2	16.6	15.9	17.3	14.6	15.3	17.1	16.7	17.4	14.8	25.5	27.8
1975	15.8	20.4	16.2	16.0	17.5	15.1	15.3	16.8	16.6	17.9	14.8	19.6	31.1
1976	15.7	20.0	16.4	15.5	17.4	15.5	14.8	16.4	17.3	18.0	14.5	20.6	27.8
1977	15.5	19.8	16.4	14.8	16.8	15.2	14.7	16.2	17.7	18.1	14.7	20.1	27.5
1978	15.3	18.4	16.3	14.9	15.5	15.1	14.3	15.9	17.5	18.1	14.7	20.3	27.4
1979	15.5	17.7	15.7	14.6	15.5	15.7	14.3	15.7	17.7	18.4	15.0	23.2	29.6
1980	15.5	17.8	15.7	14.5	15.0	15.4	14.4	15.5	17.6	19.1	15.2	22.2	30.2

Source: Vital Statistics; Statistics Canada, Ottawa

Table 3

AVERAGE NUMBER OF CHILDREN IN FAMILIES

	1961	1971	1976	1981
Canada	1.9	1.8	1.6	1.4
Newfoundland	2.7	2.5	2.1	1.9
Prince Edward Island	2.2	2.1	1.8	1.6
Nova Scotia	2.0	1.9	1.7	1.5
New Brunswick	2.3	2.1	1.8	1.5
Quebec	2.2	2.0	1.6	1.4
Ontario	1.6	1.7	1.5	1.3
Manitoba	1.7	1.7	1.5	1.4
Saskatchewan	1.8	1.8	1.6	1.4
Alberta	1.8	1.8	1.6	1.4
British Columbia	1.6	1.6	1.4	1.2
Yukon		1.9	1.6	1.4
Yukon and Northwest Territories	*2.3			
Northwest Territories		2.8	2.4	2.2

* territorial statistics not available separately in 1961

Source: Census of Canada; Statistics Canada

Table 4

LABOUR FORCE CHARACTERISTICS OF THE 15 - 19 AGE GROUP IN 1978
(Annual Averages): WITH SUB-GROUPS
(in thousands)

15 - 19 years

Labour force	1,200
Employed	986
Unemployed	215
Not in the labour force	1,132
Labour force participation rate	51.5

15 - 16 years

Labour force	293
Employed	243
Unemployed	49
Not in the labour force	638
Labour force participation rate	31.5

17 - 19 years

Labour force	908
Employed	743
Unemployed	165
Not in the labour force	494
Labour force participation rate	64.7

Source: The Labour Force; Statistics Canada, Ottawa

Table 5

LABOUR FORCE PARTICIPATION OF THE 15 - 19 AGE GROUP, BY PROVINCE
1978 (Annual Average)

(in thousands)	Canada	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia
Labour force:											
1,200	25	7	39	30	280	457	55	54	121	133	
Labour force participation rate:											
51.5	39.0	50.9	46.1	40.8	43.3	55.5	57.1	56.5	61.3	55.9	

Source: The Labour Force; Statistics Canada, Ottawa

Table 6

PERCENTAGE DISTRIBUTION OF FAMILY EXPENDITURE, IN 1976

Food	16.0
Shelter	15.6
Household operation	3.9
Household furnishings and equipment	4.8
Clothing	7.0
Personal care	1.4
Medical and health care	1.9
Smoking and alcoholic beverages	3.3
Travel and transportation	12.2
Recreation	3.8
Reading	0.6
Education	0.7
Miscellaneous expenses	2.2
Personal taxes	18.7
Security	5.1
Gifts and contributions	3.0

Source: Urban Family Expenditure 1976; Statistics Canada, Ottawa

Remark: the low percentage of expenditure for education and medical and health care is due to the fact that most of the costs are assumed by governments.

Table 7

AVERAGE FAMILY FOOD EXPENDITURE IN 1978

Total food expenditure: \$58.97 per family per week

Dairy products	10.3%
Eggs	5.7%
Bakery and cereal products	7.7%
Meat and poultry	20.7%
Fish	2.3%
Fats and oils	1.8%
Fresh fruit	4.6%
Fresh vegetables	4.3%
Beverages (non alcoholic)	5.2%
Canned and dried fruits and vegetables	3.2%
Food away from home	29.2%
Other	<u>5.0%</u>
	100.0%

Source: Urban Family Food Expenditure 1978; Statistics Canada

Table 8

PER CAPITA FOOD CONSUMPTION	1977	1978
Breakfast food (lbs.)	6.88	7.06
Sugar (lbs.)	92.90	92.04
Margarine (lbs.)	10.47	10.60
Butter (lbs.)	8.05	7.98
Fruit (lbs.)	293.02	297.38
Vegetables (lbs.)	133.39	140.66
Potatoes (lbs.)	157.04	165.03
Pork, carcass weight (lbs.)	55.51	57.76
Beef, carcass weight (lbs.)	107.88	100.86
Poultry, eviscerated (lbs.)	45.74	47.86
Fish, edible weight (lbs.)	16.76	...
Eggs (lbs.)	27.76	27.39
Cheddar cheese (lbs.)	3.25	2.97
Tea (lbs.)	2.58	2.26
Coffee (lbs.)	7.75	9.30
Fluid milk, standard (qts.)	43.81	42.65
Fluid milk, partly skimmed (qts.)	43.07	45.20
Fluid milk, skimmed (qts.)	3.20	3.30

... not available

Source: Apparent Per Capita Domestic Disappearance of Food in Canada; Statistics Canada

Table 9

HOUSEHOLD CHARACTERISTICS 1978

(in percentages)

Estimates number
of households:

Dwellings owned:

Dwellings rented:

Installed bath facilities:

Refrigerators:

Freezers:

Electric washers:

Clothes dryers:

Automobiles:

Telephones:

Canada

Newfound-
land

Prince Edward
Island

Nova Scotia

New Brunswick

Québec

Ontario

Manitoba

Saskatchewan

Alberta

British Columbia

7,320,000	137,000	34,000	240,000	191,000	1,944,000	2,741,000	324,000	295,000	593,000	822,000
63.2	85.4	79.4	70.4	72.3	52.4	65.6	65.7	76.9	65.4	64.8
36.8	14.6	20.6	29.6	27.7	47.6	34.4	34.3	23.1	34.6	35.2
98.2	88.3	94.1	92.9	94.2	98.7	99.2	96.3	94.6	98.0	99.1
99.4	95.6	100.0	99.2	99.0	99.6	99.5	99.1	99.3	99.3	99.3
47.2	59.9	50.0	42.1	50.3	33.6	47.2	60.2	75.6	63.7	50.6
76.4	92.0	85.3	81.2	84.3	81.1	71.6	72.8	85.8	78.6	70.8
59.4	46.7	47.1	50.8	63.4	62.8	55.5	58.0	71.2	69.5	56.9
78.5	73.7	82.4	72.9	79.1	73.9	80.1	76.9	82.4	84.3	80.9
96.5	92.7	91.2	94.2	93.7	95.8	97.4	96.6	96.3	97.5	96.5

Source: Distribution of Household Facilities and Equipment; Statistics Canada, Ottawa

Table 10

STILLBIRTH RATIOS (Per 1,000 live births)

Year	Canada	Newfound- land	Prince Edward Island	Nova Scotia	New Bruns- wick	Québec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Yukon	Northwest Territories
1971	9.4	12.4	10.9	9.8	11.3	9.0	9.4	9.1	9.9	8.3	8.9	11.9	13.2
1972	8.8	9.4	10.9	9.2	11.6	8.2	9.3	9.9	9.0	7.8	6.9	13.3	9.7
1973	8.3	12.7	8.0	9.0	11.6	7.8	8.4	8.9	9.7	7.0	7.1	7.1	8.3
1974	8.0	12.4	10.3	9.5	10.9	7.3	8.2	7.4	8.7	6.3	7.1	14.1	15.4
1975	7.3	10.3	13.0	7.5	11.1	7.0	7.2	7.5	6.6	5.5	7.8	4.9	12.8
1976	7.6	8.5	9.8	7.3	8.7	...	7.8	8.9	7.3	6.1	7.0	11.2	5.1
1977	6.7	6.9	7.1	6.5	6.1	6.4	6.9	7.1	7.6	6.9	6.5	2.3	12.6
1978	6.2	8.9	6.0	7.3	7.2	5.5	6.3	6.6	6.3	6.2	6.1	11.2	10.0
1979	5.7	4.7	7.2	5.9	7.3	5.4	6.0	6.1	6.5	5.4	5.4	2.0	5.5
1980	5.3	4.4	5.6	5.7	7.1	4.6	5.7	5.6	5.6	5.4	4.9	2.1	9.2

... not available

Source: Vital Statistics; Statistics Canada, Ottawa

Table 11

INFANT DEATH RATES (deaths under 1 year of age per 1,000 live births)

Year	Canada	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Yukon	Northwest Territories
1971	17.5	22.9	21.9	18.6	16.7	18.4	15.3	17.5	20.2	17.9	18.7	25.7	49.0
1972	17.1	20.7	19.4	16.8	17.3	17.9	15.3	18.9	19.4	17.5	16.8	26.6	48.4
1973	15.5	19.3	15.9	15.5	15.1	16.4	14.1	16.4	17.6	14.2	16.7	16.7	37.4
1974	15.0	17.7	17.5	14.3	15.1	15.1	13.4	15.7	20.7	15.1	16.1	24.2	42.2
1975	14.3	15.7	19.2	16.2	15.5	14.3	12.8	15.0	17.8	14.9	14.4	24.5	35.9
1976	13.5	14.6	14.4	13.8	13.2	13.5	12.3	15.6	14.3	14.2	13.8	22.3	34.7
1977	12.4	10.3	18.8	11.6	13.4	12.4	11.3	16.6	15.0	11.1	13.5	13.9	29.4
1978	12.0	12.2	7.6	11.9	11.8	11.9	11.3	13.7	14.3	11.4	12.7	12.5	23.3
1979	10.9	10.7	10.9	11.9	11.4	10.5	10.3	13.0	11.4	11.4	11.3	16.0	27.3
1980	10.4	10.6	11.2	10.9	10.9	9.8	9.5	11.5	11.3	12.6	11.0	18.9	22.3

Source: Vital Statistics; Statistics Canada, Ottawa

Table 12

MATERNAL DEATH RATES (per 10,000 live births)

Year	Canada	Newfoundland	Land	Prince Edward Island	Nova Scotia	New Brunswick	Québec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Yukon	Northwest Territories
1971	1.8	0.8	...	...	4.9	...	2.2	1.9	1.1	1.2	1.0	1.7	...	...
1972	1.6	1.6	5.0	...	0.7	0.8	2.2	1.1	0.6	3.2	1.4	1.2	22.2	16.1
1973	1.1	1.7	...	...	...	0.9	1.2	1.1	...	0.7	1.4	1.5	...	...
1974	1.0	1.0	...	...	0.8	0.9	1.4	1.0	...	2.0	0.3	0.8	...	9.6
1975	0.7	0.9	5.2	...	...	1.7	0.9	0.3	0.6	2.0	0.6	0.6	...	8.5
1976	0.7	0.9	...	...	...	1.7	0.2	0.8	1.2	1.3	0.3	0.8	...	8.5
1977	0.5	...	...	...	0.8	...	0.5	0.6	...	...	0.6	0.8	...	...
1978	0.6	...	...	...	0.8	0.9	0.7	0.7	...	...	0.3	1.3	...	...
1979	0.7	...	...	...	2.4	0.9	0.7	0.7	1.2	0.6	0.5	0.5	...	...
1980	0.8	1.0	5.1	...	...	0.9	0.5	1.1	1.3	...	0.5	0.5	...	...

... figures not available

Source: Vital Statistics; Statistics Canada, Ottawa

Table 13

Population per Active Civilian Physician, Including Interns and Residents

	<u>1970</u>	<u>1975</u>	<u>1980</u>
Canada	689	585	544
Newfoundland	1114	758	674
Prince Edward Island	1144	983	816
Nova Scotia	761	595	539
New Brunswick	1109	909	903
Québec	681	573	520
Ontario	646	544	516
Manitoba	702	588	547
Saskatchewan	805	702	677
Alberta	716	663	627
British Columbia	625	568	511
Yukon	900	948	768
Northwest Territories	1619	1410	1070

Source: Canada Health Manpower Inventory, 1981 - Health and Welfare Canada

Table 14

OPERATING HOSPITALS AND BED CAPACITIES 1978

	Canada	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Yukon	Northwest Territories
Hospitals	1,315	48	12	55	38	247	315	106	145	160	136	7	46
Beds	184,655	3,646	988	6,385	5,623	53,283	59,777	7,900	8,556	16,447	21,456	163	431
Bed to population ratios	1:127	1:156	1:123	1:132	1:123	1:118	1:141	1:131	1:111	1:118	1:118	1:133	1:100

-507-

Source: List of Canadian Hospitals; Statistics Canada, Ottawa

B. OTHER DATA: Abstract From:

"HUMAN SETTLEMENT

IN

CANADA"

Issued under the authority of
the Minister of State for Urban Affairs, Canada

May, 1976

2. Shelter

"By any standard Canadians are among the best housed people in the world. For example, in 1971, only 2.7% of all Canadian dwellings lacked piped water and the average number of persons per room was perhaps the lowest in the world at just over 0.7. Some 60% of all dwellings were single-detached houses. A similar percentage were occupant-owned. The level of household amenities was remarkably high."

2.2 Canada's Housing Stock

"Most of this mixed public-private effort has been directed over the past 30 years to the creation of Canadian suburbia, characterized by low-density development, the single-family house, favourable mortgage terms, and the automobile. Over the last half of this period, the same building industry, the same housing and planning policies, and the same capital markets have also added greatly to the stock of high-rise apartments in and around the larger cities.

Quality

That Canada has a generally high-quality housing stock is shown in Table 2.2. The table does, however, conceal significant regional variations. For example, in the Atlantic provinces in 1971, 27% of occupied dwellings still lacked exclusive use of a bath or shower, compared with only 3.6% so lacking in Ontario. Similarly, in 1971, 8% of dwellings in the Prairie provinces still had no piped water though this represented a dramatic improvement from the 46% which lacked piped water as late as 1956. Approximately 500,000 dwelling units in Canada (about 8% of the total stock) lack basic facilities -- an indoor toilet,

Table 2.2

SUMMARY OF HOUSING CHARACTERISTICS

Item	1951 ¹		1961		1971		Percentage increase 1951-61 1961-71	
	No.	%	No.	%	No.	%	1951-61	1961-71
Total occupied dwellings	No. 3,409,295	100.0	4,554,493	100.0	6,034,510	100.0	33.6	32.5
Type of dwelling ²								
Single detached	No. 2,275,615	66.7	2,978,501	65.4	3,591,770	59.5	30.9	20.6
Single attached	No. 237,655	7.0	404,933	8.9	679,590	11.3	70.4	67.8
Apartments and flats	No. 885,565	26.0	1,151,098	25.3	1,699,045	28.2	30.0	47.6
Tenure								
Owned	No. 2,236,955	65.6	3,005,587	66.0	3,636,925	60.3	34.4	21.0
Rented	No. 1,172,340	34.4	1,548,906	34.0	2,397,585	39.7	32.1	54.8
Size of dwelling								
Average rooms per dwelling	No. 5.3		5.3		5.4		--	--
Crowded dwellings ³	No. 641,820	18.8	750,942	16.5	569,495	9.4	17.0	-24.2
							--	--

¹ Excludes the Yukon Territory and Northwest Territories.

² Excludes mobile dwellings.

³ Dwellings in which the number of persons exceeds the number of rooms.

running water, a bath or shower. Most are in rural areas or smaller centres.

Although this situation is due partly to a lack of municipal water and sewage systems outside the built-up areas, the other major factor is poverty. In 1971, over 25% of "low income" families¹ occupied dwellings without bath facilities. Poor people also tend to occupy old dwellings. Of households earning less than \$4,000 in 1971, some 40% owned houses built before 1940.

Of course, many older buildings are not at all deficient. 1971 figures showed that some 30% of home-owning families with annual earnings in excess of \$15,000 occupied houses built before 1940. With some renovation and good maintenance even wood frame houses can last well over a hundred years, as many in eastern Canada already have.

The 1971 census showed that demand for new housing in the decade 1961-71 remained well ahead of population growth. While population increased by 18%, the total number of dwellings increased by 32%. This is attributable largely to a substantial rise in personal income, to the increased rate of family formation as children of the post-war "baby boom" reached maturity, and to the increase in numbers of one- and two-person households in both younger and older age groups.

The number of "crowded" dwellings (defined as those containing more people than rooms) dropped dramatically over the 1961-71 decade, from 16.5% of total stock to only 9.4%. While this reflects in part an increase in the size of new houses, it is due also to the smaller size of families. Again, regional variations are significant. The smallest proportions of crowded dwellings in relation to total housing stock were in Ontario and British Columbia, where fewer than 7% of all dwellings had less than one room per person in 1971. The largest proportions were in the Atlantic Provinces and Quebec, ranging from 12% in Nova Scotia and Quebec to 24% in Newfoundland.

1. "Low income" is a statistical concept which varies over time and with family size. In 1971 the "low income" cutoffs ranged from \$3,355 per annum for a family of two to \$5,368 for families of five or more. The threshold incomes are meant to imply that those urban families falling below them must spend at least 70% of total income for food, shelter, and clothing. Base figures were established in 1961 and were adjusted for changes in the Consumer Price Index each year. The measure is acknowledged to be crude and somewhat arbitrary. In recent years relative measures have been used: a family is considered to be "low income" when its income is somewhere between 50% and 56% of the national average with adjustments made for community size.

Tenure

Even in Canada's largest urban agglomerations (those over 500,000), almost half of all dwellings were owner-occupied in 1971. For cities under 100,000 the owner-occupied portion rises above 60% while in rural areas it is over 80%. Nationwide, about 60% of dwellings were owner-occupied in 1971, down 5% from 1961. However, the trends in these percentages are more dramatic. In the period 1961-71 the number of tenant-occupied dwellings grew by 55% against just over 20% for the owner-occupied stock. It must be remembered however that these growth rates apply to very different base figures and that the total number of new dwellings added each year amounts to only 3% to 4% of the existing stock. Thus the ratio of owned to rented premises changes very slowly, even over decades.

To "own" a house is not necessarily to own it outright, free of debt. In 1971, over half the single-detached non-farm dwellings were mortgaged. The proportion was only one-third in rural areas, compared with two-thirds in the largest urban centres. There was considerable variations from province to province in the proportion of mortgaged dwellings. Newfoundland had by far the lowest proportion, 17% (reflecting the processes of inheritance and self-help building) while Alberta led with 60%. Among metropolitan areas the extremes were registered by St. John's (45%) and Montréal (75%).

Dwelling Type

Table 2.2 summarizes the composition of the national housing stock over the census periods 1951-61-71. The growth of this stock derives in turn from the composition of dwelling starts over the years. These are graphed in Chart 2.1 covering the period 1965-75. There are considerable differences from province to province, the percentage of single-detached starts being roughly inversely related to the degree of urbanization. In 1971 for example, over 80% of starts in Saskatchewan were single-detached as contrasted with just over 30% in Ontario.

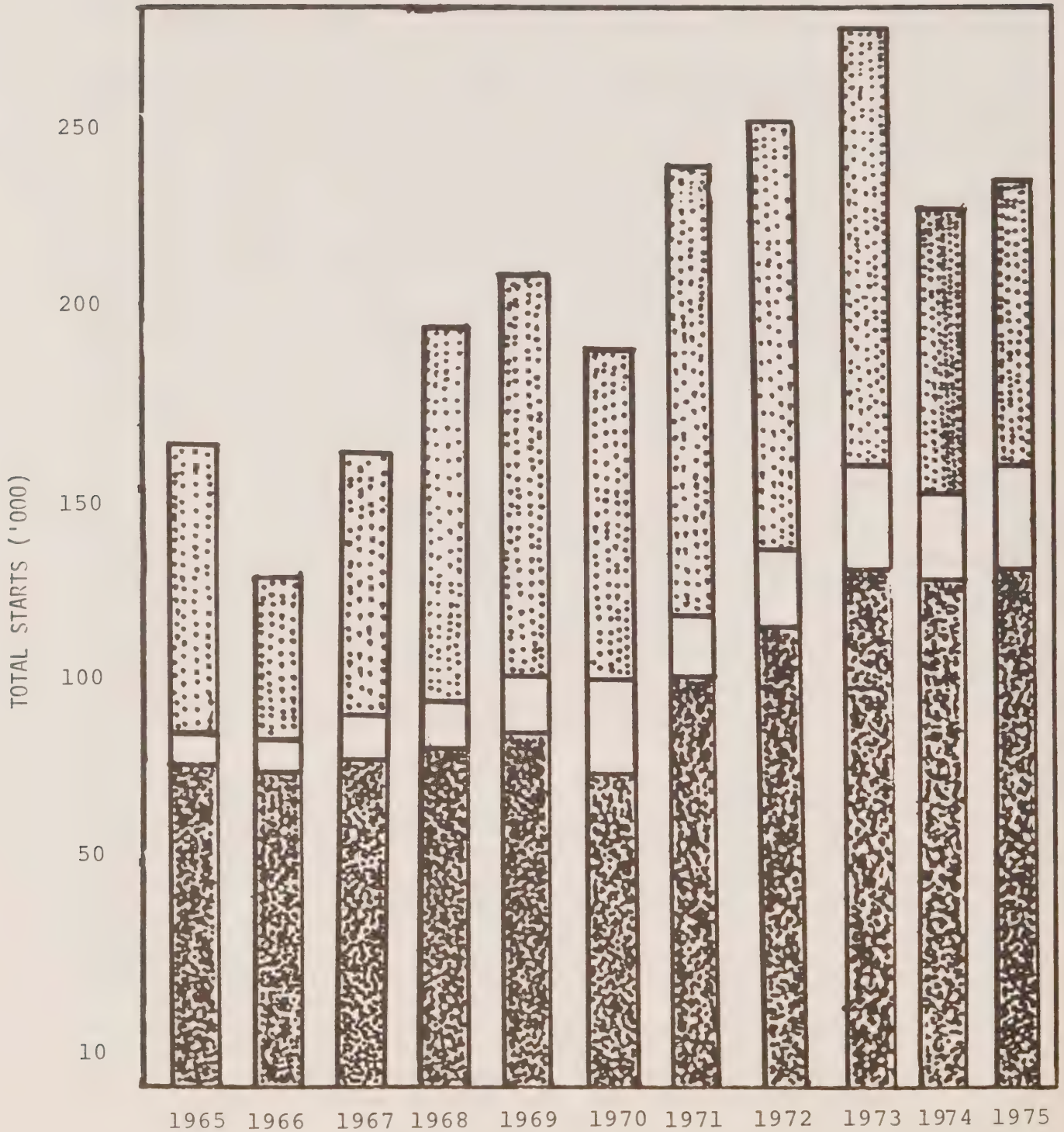
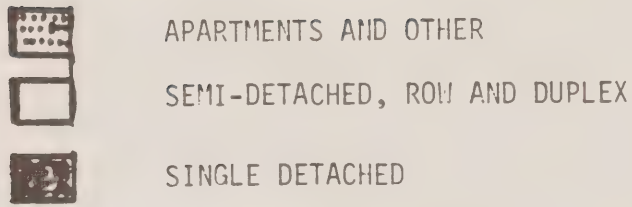
Even within the largest urban centres there is considerable variation in the composition of the housing stock, reflecting in part the preferences of different cultures. In Montreal and Quebec City, single-detached dwellings make up only 25% and 35%, respectively, of the total stock, while in Winnipeg, Vancouver, Calgary, Edmonton and Hamilton over 60% of the stock was single-detached in 1971.

2.3 The Cost of Shelter

The price of a Canadian house has been rising dramatically for the last several years, rising somewhat more rapidly than personal disposable income and faster than the general price level. In some cities, the price of an average house has doubled since 1971.

CHART 2.1

DWELLING STARTS BY TYPE, 1965-1975



SOURCE: CANADIAN HOUSING STATISTICS, CMHC (OTTAWA, 1975)

SOURCE: STATISTICS CANADA CAT. 13-210

This is in marked contrast to the decade before 1971, during which house prices rose more rapidly than the general price level but less rapidly than personal disposable income.

The cost of rental accommodation has not, until very recently, risen nearly so rapidly. But unfortunately, it is extremely difficult to obtain accurate data on current rent levels. The Consumer Price Index rent component (Table 2.3), the only index available that reflects experience over a long period of time, is recognized as seriously understating the rise in average rents. From 1961 to 1971, the census showed that actual rents paid by persons increased by 75%, compared with the 22% increase in the rent component of the consumer price index.

The main impact of this housing-cost inflation has been on the one-third of Canadian families who do not already own a home.

Most unattached individuals (75% of whom in Canada do not own homes), irrespective of their income, do not typically seek home-ownership; it is often not appropriate to their needs, and their concern is largely with the rental market. Families, on the other hand, are involved in both the rental and ownership markets. The Canadian families that do not own homes are mainly city dwellers and frequently the head of the household is under 35. Because the most rapidly rising housing prices and rents are also found in cities, the severity of the housing problem for urban tenants is disguised by aggregate figures.

For those with low incomes, the concern is almost exclusively with rent levels, because the price of a new house is far beyond their means. The price of houses is considered a problem by middle-class families. Their expectations regarding purchase of a home are very high, particularly when they compare their own position with the illusions they harbour about their parents a generation ago. The rapid rise in house prices has put high quality houses beyond their means, or has meant that purchases have had to be postponed. Although the poor are clearly the most disadvantaged in today's housing markets, the anxiety over house prices can only be understood by recognizing the large number of families of moderate income whose expectations now appear unattainable.

Components of Cost

New housing has three principal cost components: land, construction (including labour and materials), and financing. The first two combine to determine the selling price. The third, in the form of interest payments, combines with the mortgage principal and local taxes to determine the monthly carrying charges associated with ownership. The three factors also apply, though not in the same manner, to rents.

In Canada the prices associated with the three components are largely determined by the forces of supply and demand in the markets for land, labour, materials, and capital. Where prices have risen well above costs one is therefore led to look for a significant excess of demand over supply in one or more of the component markets."

- - - - -

"Of even greater concern to most Canadians than the basic price of new housing is the cost of financing a mortgage.

In 1966 the interest on mortgage loans from private lenders was between 7.5% and 8%. In 1974 and 1975 rates varied between 11.5% and 12%. An increase of four percentage points on a \$20,000 mortgage leads to an increase of \$56.33 in the monthly payment (\$676 per year) and over the lifetime of the mortgage increases the total outlay by \$16,900. For a \$50,000 mortgage, not uncommon in Toronto where average selling prices for houses exceed \$60,000, an increase in the interest rate from 8% to 12% raises the monthly payment by \$140.83 and the homeowner's total cost over the life of the mortgage increases by \$42,250.

The effect of increased mortgage rates is unfortunately compounded by the increase in the selling prices of houses. Consider the case of Vancouver where in 1964 the average new home sold for about \$16,500. Assume a down payment of \$3,500 leaving a mortgage of \$13,000, say at 8%. In 1974, the average new house price had risen over 200% to about \$50,000. With a down payment of \$10,000, the prospective buyer assumes a mortgage of \$40,000 at 12%. In 1964 the monthly payment would have been \$101. In 1974 it was \$425 (taxes not included). Carrying costs increased 320%.

One principal reason for high interest rates, for every type of borrowing, is inflation. Money lent at a rate lower than the general rate of inflation yields a negative return on investment. One hundred dollars lent at 10% per annum yields \$110 at the end of one year. But if in that year, the buying power of money is reduced by 12%, the \$110 is actually worth only \$96.80. The lender has lost \$3.20. Thus the private mortgage rate tends to stay above the anticipated rate of inflation.

Affordability

Despite these enormous cost increases, it remains true that the majority of Canadians pay a low or at least a reasonable proportion of their income for shelter. (In Canada, to have to spend over 25% of gross income for shelter is considered "excessive"). Moreover, nearly 600,000 households of the one million considered to be below the poverty line in 1972 owned their own homes, and 85% of these were free of mortgage debt.

Table 2.3

CONSUMER INDEXES -- SELECTED HOUSING COMPONENTS AND

ALL-ITEMS, 1966 - 1975 (1971=100)

Period	Rent	Property Taxes	Mortgage Interest	New Houses	Fuel and Utilities	Housing	All-Items
1966	85.1	75.2	60.3	70.7	81.6	79.5	83.5
1967	87.9	78.2	63.2	75.7	84.6	82.9	86.5
1968	91.7	83.4	68.8	81.0	88.0	86.7	90.0
1969	95.3	90.7	78.6	87.2	90.1	91.2	94.1
1970	98.4	97.3	89.1	92.9	94.3	95.7	97.2
1971	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1972	101.2	101.6	108.7	110.6	103.9	104.7	104.8
1973	102.6	103.5	120.9	125.1	114.0	111.4	112.7
1974	105.4	104.0	136.7	138.4	129.6	121.1	125.0
1975	111.1	111.2	156.8	146.2	146.6	133.2	138.5

-515-

Source: Canadian Housing Statistics (1975)

Recent Ontario studies indicate, however, that only 30% of Ontario families could pay the carrying costs of home purchase in 1974 with less than 25% of their gross family income. In 1967, 70% of families could afford the "average" new home on less than 25% of gross income.

Rent

As the prospects for home ownership decline for increasing numbers of Canadians, the demand for rental accommodation is escalating. The supply has failed to keep pace in many metropolitan areas. In 1974 only Sudbury and St. Catharines-Niagara among Canadian metropolitan areas had vacancy rates above 3%, the level considered sufficient to dampen upward pressure on rents. Vancouver, on the other hand, had an essentially zero vacancy rate. In Toronto and Montreal, vacancies hovered around 1% of total stock.

As a result of the serious imbalance between demand and supply, rents have increased dramatically. In 1971, over a half million households paid over 35% of their income for rent."

International Covenant on Economic, Social and Cultural Rights

THE STATES PARTIES TO THE PRESENT COVENANT,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Article 8

1. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous

improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:

(a) To take part in cultural life;

(b) To enjoy the benefits of scientific progress and its applications;

(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

2. (a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social

Council for consideration in accordance with the provisions of the present Covenant.

(b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART V

Article 26

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under article 26;
- (b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.



-525-

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(à rappeler dans la réponse)

Palais des Nations
CH - 1211 GENÈVE 10

GENERAL GUIDELINES FOR REPORTS ON ARTICLES 10-12 OF THE
INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

prepared in accordance with resolution 1988 (LX) of
the Economic and Social Council

I. GUIDELINES FOR REPORTING ON ALL THE RIGHTS RECOGNIZED
IN ARTICLES 10-12 OF THE COVENANT

A. In accordance with Articles 16 and 17 of the Covenant and with the programme set forth in resolution 1988 (LX) of the Economic and Social Council, Governments of the States Parties to the Covenant are requested to report, by 1 September 1979, on the rights covered in Part III, Articles 10-12 of the Covenant. As mentioned in Articles 16 (1) and 17 (2) of the Covenant, Governments are invited to report on "the measures that they have adopted and the progress made in achieving the observance of the rights recognized" in these articles, and to indicate any "factors and difficulties affecting the degree of fulfilment of their obligations under these articles".

B. It is suggested that, in this second series of reports, Governments should describe the basic conditions prevailing in their countries as well as the basic programmes and institutions relevant to the rights dealt with in Articles 10-12, and that they should stress the developments regarding these conditions, programmes and institutions which have taken place since the entry into force of the Covenant, i.e. since 3 January 1976.

C. Where relevant information has previously been furnished to the United Nations or to a specialized agency - for instance under the system of periodic reports on human rights established by resolution 1074 C (XXXIX) of the Economic and Social Council or in reports to the specialized agencies concerned - it will not be necessary to reproduce this information, but a precise reference to the information so furnished, preferably with

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Trentième anniversaire de la Déclaration universelle des droits de l'homme, 10 décembre 1978
Thirtieth anniversary of the Universal Declaration of Human Rights, 10 December 1978

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-526-

indications of the relevant documents, will suffice.

D. It will be appreciated if copies of the principal laws, regulations, collective agreements and court decisions mentioned in the reports are attached.

E. In accordance with operative para. 2 of Council resolution 1988 (LX), the States Parties are requested, in reporting on the rights covered by Articles 10-12, to give attention to the matters dealt with in Parts I and II (Articles 1 to 5) of the Covenant, namely:

(1) The right of peoples to self-determination, as recognized in Article I of the Covenant;

(2) Measures taken to guarantee the exercise of the rights covered by Articles 10-12 without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 2 (2));

(3) To what extent non-nationals are guaranteed the rights dealt with in Articles 10-12;

(4) Measures taken under Article 3 of the Covenant to ensure the equal rights of men and women to the enjoyment of the rights set forth in Articles 10-12;

(5) Limitations which may have been imposed upon the exercise of the rights set forth in Articles 10-12, the reasons therefor, and safeguards against abuses in this regard, with copies of the relevant laws, regulations and court decisions (Articles 4 and 5).

II. ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

(1) Principal laws, administrative regulations and collective agreements designed to promote protection of the family, and relevant court decisions, if any;

(2) Guarantees of the right of men and women to enter into marriage with their full and free consent and to establish a family; measures taken to abolish such customs, ancient laws and practices which may affect the freedom of choice of a spouse;

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-527-

(3) Measures to facilitate the establishment of a family such as subsidies or installation grants, provision of housing and other benefits;

(4) Measures aimed at maintaining, strengthening and protecting the family, such as family allowances, tax-exemption facilities, child-care institutions, etc.

B. Maternity protection

(1) Principal laws, administrative regulations and collective agreements governing the various aspects of maternity protection and relevant court decisions, if any;

(2) Pre-natal and post-natal protection and assistance, including appropriate medical and health care and maternity and other benefits irrespective of marital status;

(3) Special protection and assistance accorded to working mothers including paid leave or leave with social security benefits and guarantees against dismissal during a reasonable period before and after child birth;

(4) Specific measures, if any, in favour of working mothers who are self-employed or participating in a family enterprise, especially in agriculture or in small crafts and trades, including adequate guarantees against loss of income;

(5) Specific measures designed to assist mothers to maintain their children in the case of their husbands' death or absence.

C. Protection of children and young persons

(1) Principal laws, administrative regulations and other measures including collective agreements and court decisions, if any, aimed at protecting and assisting all children and young persons, in order to give them opportunities and facilities for their healthy physical and psychosocial development without distinction or discrimination on account of birth, parentage, social origin or other conditions;

(2) Special measures for the care and education of children, separated from their mothers or deprived of a family; physically, mentally, or socially handicapped children; and delinquent minors;

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-528-

(3) Measures to protect children and young persons against economic, social and all other forms of exploitation, neglect or cruelty and from being the subject of traffic;

(4) Provisions governing work by children and young persons, including minimum age for paid or unpaid employment, regulation of hours of work and rest, prohibition or restriction of night work and penalties imposed for violations of such provisions;

(5) Measures taken to prevent employment of children and young persons in any work which would be dangerous to life, harmful to their morals or health or likely to hamper their normal physical and psychosocial development and penalties imposed for violations of such measures;

(6) Statistical and other available data showing the number of children and young persons in the various age groups who are in fact working, and the sectors or type of work in which they are employed.

III. ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. General and specific measures taken to achieve an adequate standard of living and a continuous improvement of living conditions of people.

B. Right to adequate food

(1) Principal laws, administrative regulations and collective agreements designed to promote the right of everyone to adequate food, and relevant court decisions, if any;

(2) Measures taken to develop or reform existing agrarian systems, in order to achieve the most efficient development and utilization of natural resources;

(3) Measures taken to improve methods of production and the quantity and quality of food produced, and to increase yield per unit of cultivated land and to improve methods of animal husbandry, including animal health, by making full use of technical and scientific knowledge, in particular:

- (a) promotion of agricultural research, introduction and use of appropriate material, equipment and techniques,

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-529-

(b) measures to disseminate knowledge on the use of such material, equipment and techniques;

(4) Measures taken to improve and disseminate knowledge regarding methods of food conservation, in particular to reduce crop and post-harvest losses and waste (e.g. through pest control and adequate food storage facilities), and to prevent degradation of resources (e.g. through soil conservation and water management);

(5) Measures taken to improve food distribution such as improvement of communications between areas of production and food marketing centres, facilitating access to markets, introducing price support and stabilization measures, controlling abusive practices, and assuring minimum supplies to needy groups;

(6) Measures taken to improve food consumption levels and nutrition, with particular reference to the most vulnerable groups of the population;

(7) Measures taken (including the adoption of food standards) to reduce food adulteration and contamination and to improve the quality and safety of food, at market and storage levels, as well as food hygiene at all levels;

(8) Measures taken for dissemination of knowledge of the principles of nutrition;

(9) Information on participation in international co-operation, efforts and projects aimed at ensuring the right of everyone to be free from hunger, in particular through an equitable distribution of world food supplies in relation to need, account being taken of the related problems of both food-importing and food-exporting countries;

(10) Statistical and other available data on the realization of the right to adequate food.

C. Right to adequate clothing

(1) Principal laws, administrative regulations and collective agreements designed to promote the right to adequate clothing;

(2) Information on measures taken, including specific programmes, aimed at improving methods of production and distribution of articles of clothing;

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-530-

(3) Information on scientific and technical methods used to achieve adequate supply of articles of clothing;

(4) Information on the extent of participation in international co-operation contributing to the promotion of the right to adequate clothing.

D. Right to housing

(1) Principal laws, administrative regulations and collective agreements designed to promote the right to housing, and relevant court decisions, if any;

(2) Information on measures taken, including specific programmes, subsidies and tax incentives, aimed at expanding housing construction to meet the needs of all categories of the population, particularly low-income families;

(3) Information on the use of scientific and technical knowledge and of international co-operation for developing and improving housing construction, including safety measures against earthquakes, floods and other natural hazards;

(4) Information on measures taken or envisaged to solve the special problems of housing, water supply and sanitary conditions in rural areas;

(5) Measures taken for the protection of tenants such as rent control and legal guarantees;

(6) Statistical and other available data on the realization of the right to housing.

IV. ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

A. Principal laws, administrative regulations, collective agreements and other types of arrangements designed to promote and safeguard the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and relevant court decisions, if any.

B. Information on:

(1) Measures taken to reduce the stillbirth-rate and infant mortality;

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-531-

(2) Measures taken for the healthy development of children;

(3) Measures taken to protect and improve all aspects of environmental and industrial hygiene, to prevent air, land and water pollution, to overcome the adverse effects of urban development and industrialization, etc.;

(4) Comprehensive schemes and specific measures, including vaccination programmes to prevent, treat and control epidemic, endemic, occupational and other diseases and accidents in urban and rural areas;

(5) Comprehensive plans and specific measures to assure to all age groups and all other categories of the population, including in particular in rural areas, adequate health services including adequate medical attention in the event of sickness or accident;

(6) Main features of existing arrangements for the provision of medical care and methods of financing them.

C. Statistical and other available data on the realization of the right to health, in particular, statistics on infant mortality, number of doctors per inhabitant, number of hospitals and hospital beds, etc.

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